



BOARD OF COUNTY COMMISSIONERS

STAFF REPORT ADDENDUM

CASE NO. VAC2023-0001

HEARING DATE: August 9, 2023

OWNER: Philip & Glenda
Horton

APPLICANT/REP: N/A

PLANNER: Sage Huggins,
Planner I

CASE NUMBER: VAC2023-0001



EXECUTIVE SUMMARY:

- The applicants, Philip & Glenda Horton, are requesting a plat vacation to remove the 12-foot utility and irrigation easement along the northeast and south lot lines located on Lot 4, Block 1, Kodiak Subdivision. The 20 ft Easement for Kennedy Lateral will not be affected by this application.
- The 1.06 acre property is located at 4832 Meadowlark Ln, Nampa; also referenced as a portion of the NW¹/₄ of Section 08, Township 3N, Range 1W; BM; Canyon County, Idaho.
- On June 15, 2023 the Planning & Zoning Commission recommended approval of the requested subject to the conditions.

EXHIBITS:

Exhibit 1: BOCC FCOs

Exhibit 2: Signed FCO's – P&Z Commission

Exhibit 3: Minutes - P&Z Commission

Exhibit 4: Staff Report – P&Z Commission

Attachment A. Parcel Tool

Attachment B. Draft FCO's

Attachment C. Site Photos

Attachment D. Letter of Intent, concept plan, agency responses to the applicant

Attachment E. Maps

- (i) Small Aerial
- (ii) Zoning
- (iii) Future Land Use
- (iv) Subdivision w/ Report

(v) Cases w/ Report

(vi) Soil Report

Attachment F. Agency Comments

(i) Idaho Department of Environmental Quality

(ii) Nampa Highway District No. 1

(iii) Idaho Transportation Department

(iv) City of Nampa Engineering

(v) Idaho Power

Exhibit 5: New Legal Description and Survey Provided by Applicant



Board of County Commissioners

Horton – VAC2023-0001

Development Services Department

FINDINGS OF FACT, CONCLUSIONS OF LAW, & ORDER

Plat Vacation – VAC2023-0001

In the matter of the application of:

Horton – Case VAC2023-0001

The Canyon County Board of County Commissioners consider the following:

- 1) Plat vacation to remove the 12-foot utility and irrigation easement along the northeast and south lot lines located on Lot 4, Block 1, Kodiak Subdivision. The 20 ft Easement for Kennedy Lateral will not be affected by this application. [4832 Meadowlark Ln (Parcel Number: R30430103), portion of the NW¼ of Section 08, T3N, R1W, BM, Canyon County, Idaho]

Summary of the Record

1. The record is comprised of the following:

1. The record includes all testimony, the staff report, exhibits, and documents in Case File VAC2023-0001.

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code §07-17-35 Subdivision/Easement Vacation, Idaho Code §50-1306A, Idaho Code §50-1324, and Canyon County Code §07-02-03 (Definitions).
2. Notice of the public hearing was provided per CCZO §07-05-01 and Idaho Code §50-1324.
3. Any property owner desiring to have an existing subdivision vacated, in whole or part, including easements, shall complete and file an application along with any fees with DSD and also file such other applications as are otherwise required by law.
4. The Board has the authority to exercise powers granted to it by the Idaho Local Land Use and Planning Act (“LLUPA”) and can establish its own ordinances regarding land use. See I.C. §67-6504, §67-6511.
5. The Board has the authority to hear this case and make its own independent determination. See I.C. §67-6519, §67-6504, 67-6509 & 67-6511.
6. The Board can sustain, modify or reject the Commission’s recommendations. See CCZO §07-05-03.
7. The burden of persuasion is upon the applicant to prove that all criteria, including whether the proposed use is essential or desirable to the public welfare, are satisfied. CCZO §07-05-03.
8. Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record. The County’s hearing procedures adopted per Idaho Code §67-6534 require that final decisions be in the form of written findings, conclusions, and orders. CCZO 07-05-03(1)(I).

The application (VAC2023-0001) was presented at a public hearing before the Board of County Commission on August 9, 2023. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Board of County Commission decide as follows:

CCZO §07-17-35: Subdivision/Easement Vacation

1. Any property owner desiring to have an existing subdivision vacated, in whole or part, including easements, shall complete and file an application along with any fees with DSD and also file such other applications as are otherwise required by law.

Conclusion: Property owners, Philip & Glenda Horton, submitted a plat vacation application on February 10, 2023.

Findings: Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. VAC2023-0001.

2. Upon receipt of the completed application and other information as may be required, DSD shall affix the date of application acceptance thereon. The application shall be considered by the commission at a public hearing noticed as provided for in Article 5 of this chapter. Vacations shall be processed in accordance with the regulations set forth in Idaho Code §50-1306A and recorded in accordance with the regulations set forth in Idaho Code §50-1324.

Conclusion: The application was processed and noticed in accordance with Chapter 7, Article 5 of the Canyon County Zoning Ordinance (CCZO)

Findings: Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. VAC2023-0001.

Idaho Code §50-1306A

- A. Any person, persons, firm, association, corporation, or other legally recognized form of business desiring to vacate a plat or any part thereof must petition the city council if it is located within the boundaries of a city, or the county commissioners if it is located within the unincorporated area of the county. Such petition shall set forth particular circumstances of the requests to vacate; contain a legal description of the platted area or property to be vacated; the names of the persons affected thereby, and said petition shall be filed with the city clerk.

Conclusion: Property owners, Philip & Glenda Horton, submitted a plat vacation application on February 10, 2023.

Findings: Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. VAC2023-0001.

- B. Written notice of public hearing on said petition shall be given, by certified mail with return receipt, at least ten (10) days prior to the date of public hearing to all property owners within three hundred (300) feet of the boundaries of the area described in the petition. Such notice of public hearing shall also be published once a week for two (2) successive weeks in the official newspaper of the city, the last of which shall be not less than seven (7) days prior to the date of said hearing; provided, however, that in a proceeding as to the vacation of all or a portion of a cemetery plat where there has been no interment, or in the case of a cemetery being within three hundred (300) feet of another plat for which a vacation is sought, publication of the notice of hearing shall be the only required notice as to the property owners in the cemetery.

Conclusion: The above noticing requirement is required for the public hearing before the Board of County Commissioners. The Planning and Zoning hearing was processed and noticed in accordance with Chapter 7, Article 5 of the Canyon County Zoning Ordinance (CCZO).

- Findings:** (1) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. VAC2023-0001.
- (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on June 29, 2023. Newspaper notice was published on June 28, 2023. Property owners within 600' were notified by mail on June 29, 2023. Full political notice was provided on June 29, 2023. The property was posted on July 6, 2023. Property owners within 300' were notified by mail on June 29, 2023 in accordance with Idaho Code section 50-1306A.

C. When the procedures set forth herein have been fulfilled, the city council may grant the request to vacate with such restrictions as they deem necessary in the public interest.

Conclusion: Not applicable.

Findings: Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. VAC2023-0001.

D. If a petition to vacate is brought before county commissioners, and the plat or part thereof which is the subject of the petition is located within one (1) mile of the boundaries of any city, the county commissioners shall cause written notice of the public hearing on the petition to be given to the mayor or chief administrative officer of the city by regular mail at least thirty (30) days prior to the date of the public hearing.

Conclusion: The request is located in the City of Nampa's impact area. The City of Nampa was notified on June 29, 2023.

- Findings:** (1) The City of Nampa responded with the following comment: Nampa Engineering Division has no concern with the request (Exhibit 4 Attachment F iii).
- (2) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. VAC2023-0001.

E. In the case of easements granted for gas, sewer, water, telephone, cable television, power, drainage, and slope purposes, public notice of intent to vacate is not required. Vacation of these easements shall occur upon the recording of the new or amended plat, provided that all affected easement holders have been notified by certified mail, return receipt requested, of the proposed vacation and have agreed to the same in writing.

Conclusion: All utility agencies were notified on June 29, 2023. Neighbors were notified on June 29, 2023.

- Findings:** (1) The applicant provided signatures from all residents within Kodiak Subdivision residents, Sparklight (Cable One), Southwest District Health, Intermountain Gas, Lumen, and Idaho Power (Exhibit 4 Attachment D), The City of Nampa that they do not oppose this easement vacation. (Exhibit 4 Attachment Fiv).
- (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on June 29, 2023. Newspaper notice was published on June 28, 2023. Property owners within 600' were notified by mail on June 29, 2023. Full political notice was provided on June 29, 2023. The property was posted on July 6, 2023.
- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. VAC2023-0001.
- (4) Evidence includes associated findings and evidence supported within this document.

F. When public streets or public rights-of-way are located within the boundary of a highway district, the highway district commissioners shall assume the authority to vacate said public streets and public rights-of-way as provided in §40-203, Idaho Code.

Conclusion: The request does not include vacation of any public streets or public right-of-ways. Therefore, this is not applicable to this application.

G. All publication costs shall be at the expense of the petitioner

Conclusion: Publication costs are covered by the County as part of the application fee. The publication was completed on June 28, 2023.

H. Public highway agencies acquiring real property within a platted subdivision for highway right-of-way purposes shall be exempt from the provisions of this section

Conclusion: Not applicable to this application.

I. Land exclusive of public right-of-way that has been subdivided and platted in accordance with this chapter need not be vacated in order to be re-platted.

Conclusion: Not applicable to this application.

3. The commission shall review the request and any agency response and make a recommendation to the Board for approval, conditional approval or denial.

Conclusion: The Planning and Zoning commission recommended approval to the board on June 15, 2023. (Exhibit 2 and Exhibit 3, P&Z FCOs and minutes)

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of County Commissioners **approve** of Case #VAC2023-0001, a Plat Vacation to remove the 12 ft Utility Easement along the northeast, and south boundaries on lot 4 block 1 of Kodiak Subdivision Final Plat.

Conditions of Approval

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the property.
2. This vacation does not include the 20 ft Kennedy Lateral easement that shall remain on the plat for Kodiak Subdivision and shall not be encroached upon by any structures or overhangs.
3. Standard County setbacks must be met for all proposed structures.
4. A resolution shall be recorded in accordance with Idaho Code §50-1324.

DATED this _____ day of _____, 2023.

CANYON COUNTY BOARD OF COMMISSIONERS

Motion Carried Unanimously
Motion Carried/Split Vote Below
Motion Defeated/Split Vote Below

	Yes	No	Did Not Vote
_____ Commissioner Leslie Van Beek	_____	_____	_____
_____ Commissioner Brad Holton	_____	_____	_____
_____ Commissioner Zach Brooks	_____	_____	_____

Attest: Chris Yamamoto, Clerk

By: _____ Date: _____



PLANNING AND ZONING COMMISSION

FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of:

[Horton] – [Case VAC2023-0001]

The Canyon County Planning and Zoning Commission considers the following:

- 1) Plat vacation to remove the 12-foot utility and irrigation easement along the northeast and south lot lines located on Lot 4, Block 1, Kodiak Subdivision. The 20 ft Easement for Kennedy Lateral will not be affected by this application. [Located at 4832 Meadowlark Ln (Parcel Number: R30430103), a portion of the NW¼ of Section 08, T3N, R1W, BM, Canyon County, Idaho]

Summary of the Record

1. The record is comprised of the following:

1. The record includes all testimony, the staff report, exhibits, and documents in Case File VAC2023-0001.

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code §07-17-35 Subdivision/Easement Vacation, Idaho Code §50-1306A, Idaho Code §50-1324, and Canyon County Code §07-02-03 (Definitions).
 - a. Notice of the public hearing was provided per CCZO §07-05-01.
 - b. Any property owner desiring to have an existing subdivision vacated, in whole or part, including easements, shall complete and file an application along with any fees with DSD and also file such other applications as are otherwise required by law.
2. The commission shall have those powers and perform those duties assigned by the board that are provided for in the local land use planning act, Idaho Code, title 67, chapter 65, and county ordinances. CCZO §07-03-01, 07-07-01 and 07-17-35.
3. The burden of persuasion is upon the applicant to prove that all criteria, including whether the proposed use is essential or desirable to the public welfare, are satisfied. CCZO §07-05-03.
4. Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.
5. The County's hearing procedures adopted per Idaho Code §67-6534 require that final decisions be in the form of written findings, conclusions, and orders. CCZO 07-05-03(1)(I).

The application (VAC2023-0001) was presented at a public hearing before the Canyon County Planning and Zoning Commission on June 15, 2023. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Canyon County Planning and Zoning Commission decide as follows:

CCZO §07-17-35: Subdivision/Easement Vacation

1. Any property owner desiring to have an existing subdivision vacated, in whole or part, including easements, shall complete and file an application along with any fees with DSD and also file such other applications as are otherwise required by law.

Conclusion: Property owners, Philip & Glenda Horton, submitted a plat vacation application on February 10, 2023.

Findings: Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. VAC2023-0001.

2. Upon receipt of the completed application and other information as may be required, DSD shall affix the date of application acceptance thereon. The application shall be considered by the commission at a public hearing noticed as provided for in Article 5 of this chapter. Vacations shall be processed in accordance with the regulations set forth in Idaho Code §50-1306A and recorded in accordance with the regulations set forth in Idaho Code §50-1324.

Conclusion: The application was processed and noticed in accordance with Chapter 7, Article 5 of the Canyon County Zoning Ordinance (CCZO)

Findings: Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. VAC2023-0001.

Idaho Code §50-1306A

- A. Any person, persons, firm, association, corporation, or other legally recognized form of business desiring to vacate a plat or any part thereof must petition the city council if it is located within the boundaries of a city, or the county commissioners if it is located within the unincorporated area of the county. Such petition shall set forth particular circumstances of the requests to vacate; contain a legal description of the platted area or property to be vacated; the names of the persons affected thereby, and said petition shall be filed with the city clerk.

Conclusion: Property owners, Philip & Glenda Horton, submitted a plat vacation application on February 10, 2023.

Findings: Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. VAC2023-0001.

- B. Written notice of public hearing on said petition shall be given, by certified mail with return receipt, at least ten (10) days prior to the date of public hearing to all property owners within three hundred (300) feet of the boundaries of the area described in the petition. Such notice of public hearing shall also be published once a week for two (2) successive weeks in the official newspaper of the city, the last of which shall be not less than seven (7) days prior to the date of said hearing; provided, however, that in a proceeding as to the vacation of all or a portion of a cemetery plat where there has been no interment, or in the case of a cemetery being within three hundred (300) feet of another plat for which a vacation is sought, publication of the notice of hearing shall be the only required notice as to the property owners in the cemetery.

Conclusion: The above noticing requirement is required for the public hearing before the Board of County Commissioners. The Planning and Zoning hearing was processed and noticed in accordance with Chapter 7, Article 5 of the Canyon County Zoning Ordinance (CCZO).

Findings: Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. VAC2023-0001.

- C. When the procedures set forth herein have been fulfilled, the city council may grant the request to vacate with such restrictions as they deem necessary in the public interest.

Conclusion: Not applicable.

Findings: Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. VAC2023-0001.

- D. If a petition to vacate is brought before county commissioners, and the plat or part thereof which is the subject of the petition is located within one (1) mile of the boundaries of any city, the county commissioners shall cause written notice of the public hearing on the petition to be given to the mayor or chief administrative officer of the city by regular mail at least thirty (30) days prior to the date of the public hearing.**

Conclusion: The request is located in the City of Nampa's impact area. The City of Nampa was notified on May 4, 2023.

- Findings:** (1) The City of Nampa responded with the following comment: Nampa Engineering Division has no concern with the request (Attachment 4d).
(2) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. VAC2023-0001.

- E. In the case of easements granted for gas, sewer, water, telephone, cable television, power, drainage, and slope purposes, public notice of intent to vacate is not required. Vacation of these easements shall occur upon the recording of the new or amended plat, provided that all affected easement holders have been notified by certified mail, return receipt requested, of the proposed vacation and have agreed to the same in writing.**

Conclusion: All utility agencies were notified on May 4, 2023. Neighbors were notified on May 5, 2023.

- Findings:** (1) The applicant provided signatures from all residents within Kodiak Subdivision residents, Sparklight (Cable One), Southwest District Health, Intermountain Gas, Lumen, and Idaho Power (Exhibit B Attachment 2), The City of Nampa that they do not oppose this easement vacation. (Exhibit B Attachment 4d).
(2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on May 4, 2023. Newspaper notice was published on May 5, 2023. Property owners within 600' were notified by mail on May 5, 2023. Full political notice was provided on May 4, 2023. The property was posted on May 11, 2023.
(3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. VAC2023-0001.
(4) Evidence includes associated findings and evidence supported within this document.

- F. When public streets or public rights-of-way are located within the boundary of a highway district, the highway district commissioners shall assume the authority to vacate said public streets and public rights-of-way as provided in §40-203, Idaho Code.**

Conclusion: The request does not include vacation of any public streets or public right-of-ways. Therefore, this is not applicable to this application.

- G. All publication costs shall be at the expense of the petitioner**

Conclusion: Publication costs are covered by the County as part of the application fee. The publication was completed on May 5, 2023.

- H. Public highway agencies acquiring real property within a platted subdivision for highway right-of-way purposes shall be exempt from the provisions of this section**

Conclusion: Not applicable to this application.

- I. Land exclusive of public right-of-way that has been subdivided and platted in accordance with this chapter need not be vacated in order to be re-platted.

Conclusion: Not applicable to this application.

3. The commission shall review the request and any agency response and make a recommendation to the Board for approval, conditional approval or denial.

Conclusion: See Order below.

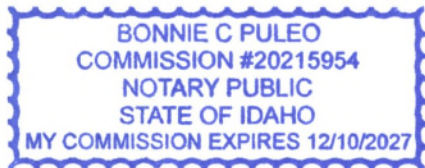
Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **recommends approval** of Case #VAC2023-0001, a Plat Vacation to remove the 12 ft Utility Easement along the northeast, and south boundaries on lot 4 block 1 of Kodiak Subdivision Final Plat.

Conditions of Approval

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the property.
2. This vacation does not include the 20 ft Kennedy Lateral easement that shall remain on the plat for Kodiak Subdivision and shall not be encroached upon by any structures or overhangs.
3. Standard County setbacks must be met for all proposed structures.
4. A new Final Plat shall be recorded in accordance with 50-1306A(5) and 50-1324.

DATED this 15 day of June, 2023.



State of Idaho)

PLANNING AND ZONING COMMISSION CANYON COUNTY, IDAHO


Robert Sturgill, Chairman

SS

County of Canyon County)

On this 15th day of June, in the year 2023, before me Bonnie Puleo, a notary public, personally appeared Robert Sturgill, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she) executed the same.

Notary: Bonnie Puleo
My Commission Expires: 12/10/2027



CANYON COUNTY PLANNING & ZONING COMMISSION
 MINUTES OF REGULAR MEETING HELD
 Thursday, June 15, 2023
 6:30 P.M.

1ST FLOOR PUBLIC MEETING ROOM SUITE 130, CANYON COUNTY ADMINISTRATION BUILDING

Commissioners Present : Robert Sturgill, Chairman
 Brian Sheets, Vice Chairman
 Patrick Williamson, Commissioner
 Harold Nevill, Commissioner
 Miguel Villafana, Commissioner
 Geoff Mathews, Commissioner
 Matt Dorsey, Commissioner

Staff Members Present: Dan Lister, Planning Official
 Jenna Petroll, Planner
 Sage Huggins, Planner
 Samantha Hammond, Planner
 Michelle Barron, Planner
 Deb Root, Planner
 Bonnie Puleo, Hearing Specialist

Chairman Robert Sturgill called the meeting to order at 6:30 p.m.

Commissioner Villafana read the testimony guidelines and proceeded to the first business item on the agenda.

- **Case No. RZ2021-0061/AG Development, LLC:** AG Development LLC, represented by Hatch Design Architecture, is requesting a conditional rezone of parcel R33952010 from an "A" (Agricultural) zone to a "CR-C-2" (Conditional Rezone - Service Commercial). The request includes a development agreement limiting the types of uses that will be allowed on the property. The applicant is proposing to have a mixed-use storage facility and a business/flex (non-retail) complex on the subject property. The 11.41-acre parcel is located at 9145 Hwy 44, Middleton; also referenced as a portion of the NE¼ of Section 09, Township 4N, Range 2W; BM; Canyon County, Idaho.

Planner Jenna Petroll reviewed the Staff report for the record.

Chairman Robert Sturgill affirmed the witnesses to testify.

Testimony:

Jeff Hatch – Applicant (Representative) – IN FAVOR – 200 W. 36th Street Boise ID 83714

Mr. Hatch said this project is just west of Lansing Lane in an area that is fairly rural but there is a lot of development in the vicinity. The proposed site plan has a series of self-storage buildings with a leasing office and that is the project for the County to consider at this time. He showed the additional three buildings that would not be built until the property is connected to Middleton city services. They did a similar project in Nampa about a year before this one and it was requested that they go talk to the city to

allow them to provide commentary and objectives as to what they would like to see and to buy off on their annexation. He said they didn't get a response from Nampa on that project so when AG Development came to them, they advised them to talk to Middleton to understand the city's objectives and the future needs for the area. They worked with them to develop a pre-annexation agreement with the city's conditions for the property. They feel this is a property that can stand on its own, both now while it is in the County and later when it is annexed into the city. The driveway area will be improved with landscaping. They also had some initial discussions with Idaho Transportation Department about access with the secondary driveway and ITD said they do not want it. He showed an email from the city of Middleton about the pre-annexation agreement which said they have no objections to the project. All proposed utilities on site are self-sustaining now and in the future. He said future land use will be in line with this development. They have been working with some of the neighbors and will continue work with them on landscaping and lighting issues to ensure it is cohesive and meets their expectations on buffering and screening.

Commissioner Villafana asked what the plan is for filling in the drainage ditch. Mr. Hatch said they are proposing to work with the irrigation company to tile the ditch so it is a drivable surface and vehicles can drive over it. Commissioner Villafana said the traffic study indicated there would be about 400 daily trips. What challenges do they see for retail offices with such low of daily trips passing down that road? Mr. Hatch said they will talk to the city of Middleton to re-evaluate the use for the rest of the project when the property is annexed into the city.

Planner Jenna Petroll said the types of uses used for the traffic generation study were non-retail which was why there were only 400 trips. It was conditioned it as non-retail.

Commissioner Williamson asked for clarification on the driveway. Was it going to be developed all the way through so that commercial customers and businesses would be able to use it or will they install landscaping to deter people from cutting through and using it? Mr. Hatch said they will put up a couple of trees to deter people from using it. Commissioner Williamson asked Mr. Hatch to explain the plan for the utility corridor shown in exhibit C of the pre-annexation agreement. Mr. Hatch said it was their intent to provide Middleton with the easements they are requesting. Property easements are on the site plan and they will maintain those or change them based on the city's needs.

Commissioner Sheets asked Mr. Hatch about the pre-annexation agreement and the utility corridor agreement. Commissioner Sheets said the city has designated the area as residential/special use; the County identifies it as future commercial. Was it a requirement from the city imposed upon them to sign the pre-annexation agreement and utility corridor? Commissioner Sheets wanted to know what the city of Middleton required of them and why. Mr. Hatch said they went to the city to tell them what they wanted to do and to validate some of their concerns. He said if they went to the city, told them what they wanted to do and it wasn't complimentary to the city's future land use but they still wanted it, they needed to substantiate that. Mr. Hatch said they established the pre-annexation agreement to prove to the County that the city supported the development and the utility infrastructure. Commissioner Sheets emphasized that this application is going through the County and not the city of Middleton.

Commissioner Nevill said there are 13 drafted conditions of approval and asked if they were okay with the conditions including the new suggested modification? Mr. Hatch said yes, they have reviewed the 13 conditions and are comfortable with them, including the modification. Commissioner Nevill said item number two asks if the proposed use is more appropriate than the existing use. The structures are in a flood plain; can he convince Commissioner Nevill that structures in a flood plain are more appropriate than flat land in a flood plain. Mr. Hatch said he has put more storage facilities in flood plains nationwide than anything else. They don't want to put hospital or residential there. He said for use in a flood plain, they are looking at FEMA maps and benchmarks for an elevation that is appropriate for content to be stored on the site. They feel they can coordinate with FEMA on that. Commissioner Nevill asked if it was conceivable that they might raise the elevation of the building pad. Mr. Hatch replied yes and provided an example of a project in Boise in which they raised the site seven feet. Commissioner Nevill asked what

agreements would be issued between the proposed site owner and the owner of the house with the utility easement that comes through the homeowner's property? He said what if the owner of the house says 'no', you can't use their land for an easement?

Planner Jenna Petroll said the access easement and the utility easement are in two different locations. The access easement does run through the home's property and there is a current road users' maintenance agreement. The utility easement will be 100% on the applicant's property. They are not the same easement.

Commissioner Sheets asked the applicant if the city of Middleton compensated them for the pre-annexation agreement or the utility corridor agreement. Mr. Hatch said no, they did not.

Andrew Peterson – IN FAVOR – 11865 W. Skyhaven Street Star ID 83669

Mr. Peterson said they have been working with Canyon County and Middleton because they know they are in their impact zone. They knew the city could give a recommendation of approval or denial for this project. They met with the mayor and showed him what they wanted to do; originally it was all a storage facility. They worked it out to find out what they could do to make everyone happy. They had the idea of a storage site in front and businesses in back just to mitigate that. They received a letter from the city with a pre-annexation letter and some requirements which were easements for future sewer and water lines. They drew three lines where the easements would be which was fine as that was not going to be where buildings were going to be placed. They plan on bringing the site two feet above the base flood elevation level. There are currently two entrances to the property and they worked with Idaho Transportation Department on the best solution for those.

Commissioner Sheets asked if during the discussions with the city of Middleton they indicated that it would be required to have their buy-off as part of the application? Mr. Peterson replied no, they wanted it and just wanted to make everyone happy. Commissioner Sheets said he didn't like what happened.

Rick York – IN FAVOR – 5340 N. Vercelli Way Meridian ID 83646

Mr. York works for the Bank of Idaho. They have recently partnered on several self-storage facilities in the Treasure Valley and most are leased at rates of over 90%. The demand has never been greater and they don't expect that to change in the immediate future. With the amount of new residential homes in the area, a self-storage facility such as this is almost a necessity. He said they did a project in the last year and within six months it was fully leased then everyone else was put on waiting lists. Based on the studies they have received, the tenants occupying these spaces are changing. It is not just residents, they are seeing small businesses using these facilities to store goods, documents and safeguard equipment. It is more cost effective for a business to lease a self-storage unit than try to lease commercial real estate space. By adding self-storage facility such as this they think they are saying 'yes' to small business and encouraging entrepreneurs. Community banks love projects like this: they feel they are providing a service they think the community needs now and well into the future.

Chairman Sturgill said that per the development agreement, warehousing is not allowed and Mr. York's testimony said that warehousing of some nature might be in these facilities. Can he explain how this facility will be different from the areas and properties where warehousing is permitted? Mr. York explained small business using these facilities for document or equipment storage is not on the same scale as the industrial or warehousing that he is referencing.

Steve Hammons – IN OPPOSITION – 9156 Jordan Lane Middleton ID 83644

Mr. Hammons owns the property directly to the south. He said he is not going to oppose this; he should but the owner has the right to sell that property and as long as it is a conforming use, he doesn't feel they should stop it. He doesn't know if he is really in opposition or not. He said the bank representative was right; Republic Storage down the street was at 97% capacity in less than two years and they are doubling its size now. He has had the owners at his kitchen table and they said they would do several things to

make it right for him. It is going to affect his property value and he is going hold them to what they have said and he is hoping the Commissioners will hold them to that also.

Commissioner Sheets asked Mr. Hammons if he looked at the conditions proposed for the project. Mr. Hammons said no. Commissioner Sheets asked if those promises had been put in writing? Mr. Hammons said Andrew and Greg wrote them down and he wrote them down. Commissioner Sheets said he wanted to know if they were making promises, that they were legally enforceable promises. Mr. Hammons said they might not be legally enforceable but that he was hoping they were good men. Commissioner Sheets asked Mr. Hammons if there was anything he wanted added into the list of conditions to ensure those promises were kept. Mr. Hammons said no, he had nothing at this point. He wouldn't mind putting his list in with the County's list. Commissioner Sheets said it will go in front of the Board of County Commissioners for another hearing.

Planning Official Dan Lister explained that County code requires interaction with cities if the project is in the area of city influence and they have 30 days to review it. Recommendations that are provided are required to be given 'great weight' but don't have to be adopted. He also provided historical information on the progression of the case and why the applicant spoke to the city. The city of Middleton does show it as future residential, however they also support mixed use in that area.

Jeff Hatch – Applicant (Representative) – REBUTTAL – 200 W. 36th Street Boise ID 83714

Mr. Hatch said the warehousing concern can be addressed in the CC&Rs and they would be open to a condition stating that. They will continue to work with the neighbor and prior to going to the Board of County Commissioners, they will review and provide the list to the planner. The ambiguity of feedback from a city they are eventually are going to annex into is confusing as he acknowledged they are currently in the County. They are trying to play nice with everyone. He said the value in the feedback is the need for the utility easements to be strategically located and now is the opportunity to do so, but it will take decades for them to have connections there. He is open to collaborations and considerations from both a city and county standpoint to improve those.

Commissioner Williamson asked if they should add the requirement to provide the (neighbor's) list to the conditions of approval. Planning Official Dan Lister said there was no list provided to the Planning and Zoning Commission, so there was nothing on the record to provide to the Board of County Commissioners. They didn't list the items in testimony on the record, so they would have another opportunity in front of the Board of County Commissioners to provide those specifics. Commissioner Williamson stated he was just trying to avoid having the application remanded back to the Planning and Zoning Commission if a new list was provided.

Commissioner Nevill asked if warehousing might happen on site. Mr. Hutch said no, if we apply a condition that warehousing be restricted in the CC&Rs, it gives Canyon County the chance to review those CC&Rs. Mr. Hutch confirmed that warehousing was not allowed and felt the condition of approval restricting warehousing covered it.

MOTION: Commissioner Nevill moved to close public testimony on Case RZ2021-0061, seconded by Commissioner Mathews. Voice vote, motion carried.

DELIBERATION:

Commissioner Nevill said he was comfortable moving forward with approval for the application as long as they get the correct wording down for draft condition #4, which he believes he can provide.

Commissioner Villafana said he agrees with Commissioner Nevill: one of his big concerns was the flood zone which Mr. Hatch answered. He would also like to emphasize the need for a strong liability and flood insurance policy.

Commissioner Sheets said based on the requirements provided for them to review, he believes it fits and is within the proposed land use zones. Idaho Transportation Department said it won't cause any

traffic impacts or require any mitigation. He said he was not too thrilled with the interaction that happened with the city of Middleton. Commissioner Sheets felt the city extorted the applicants into granting the city property rights without compensating them for it. He felt the city fed them a line that their blessing on this would affect their application. They had valuable property rights that could have been negotiated in the future and they were not subject to forced annexation. The applicants wanted to do mini-storage on the entire property but the city saying they wanted to do mixed use there transformed it into requiring city services. He was very unhappy with the way it went but that is irrelevant with what is before them right now. He thinks it doesn't conflict with the Comprehensive Plan and is appropriate for the zone. The agreement is already signed with Middleton. Commissioner Dorsey confirmed that the Planning and Zoning Commission has nothing to do with the city of Middleton annexation agreement.

MOTION: Commissioner Nevill moved to approve Case RZ2021-0061 including the Findings of Facts, Conclusions of Law and modified Conditions of Approval, forwarding the recommendation to the Board of Canyon County Commissioners. Motion seconded by Commissioner Villafana. Roll call vote: 7 in favor 0 opposed, motion passed.

- **Case No. VAC2023-0001/Philip & Glenda Horton:** The applicants, Philip & Glenda Horton, are requesting a plat easement vacation to remove the 12 foot utility and irrigation easement along the northeast and south property boundaries located on Lot 4 Block 1 Kodiak Subdivisions. The 20 ft Easement for Kennedy Lateral will not be affected with this application. The applicant's property is located at 4832 Meadowlark Ln, Nampa, the request affects only parcel R30430103, Lot 4 Block 1 within Kodiak Subdivision); also referenced as a portion of the NW¼ of Section 08, Township 3N, Range 1W; Canyon County, Idaho.

Planner Sage Huggins reviewed the Staff report for the record.

Chairman Robert Sturgill affirmed the witnesses to testify.

Testimony:

Phil Horton – Applicant – IN FAVOR – 4832 Meadowlark Lane Nampa ID 83687

He had no additional testimony and there were no questions from the Commissioners.

MOTION: Commissioner Sheets moved to close public testimony on Case VAC2023-0001, seconded by Commissioner Mathews. Voice vote, motion carried.

DELIBERATION:

No Commission deliberation.

MOTION: Commissioner Nevill moved to approve Case VAC2023-0001, including the Findings of Facts, Conclusions of Law and Conditions of Approval, forwarding the recommendation to the Board of Canyon County Commissioners. Motion seconded by Commissioner Sheets. Roll call vote: 7 in favor 0 opposed, motion passed.

- **Case No. CU2023-0002/Alejandro Jimenez–Juan Nieves:** The applicant, Juan Nieves, is requesting a conditional use permit to allow a staging area on parcel R30621010. The property is zoned "A" (Agricultural). The property is located at 80 S Robinson Rd, Nampa, Idaho; also referenced as a

portion of the NW¼ of Section 29, T3N, R1W, Canyon County, Idaho.

Planner Samantha Hammond reviewed the Staff report for the record.

Chairman Robert Sturgill affirmed the witnesses to testify.

Testimony:

Juan Carlos Nieves – Applicant (Representative) – IN FAVOR – 3812 E. Clear Springs Dr. Nampa ID 83686

Mr. Nieves requested the conditional use permit; he owns the excavation company. He is renting the property to hold all his trucks and equipment. When he moved in, he didn't know he needed the conditional use permit. He said the neighbors told him he didn't belong to that place and want him out. He came to the county and just wanted to do everything right and doesn't want to be breaking any laws. Not all the employees have their cars there: some employees take company pickups home so there aren't always cars parked there. He only has 5 employee cars. He said his company trucks and equipment are mostly what is seen on the property. He put the hours of operation at 8 am – 8 pm; sometimes they get off a little earlier, sometimes they get off a little later. On the same property, there is a house in the back and there are other people living there. That house is not part of his rental. He wanted to clarify that if neighbors see people on weekends, driving onto the property, it's the people living in the house in the back. Sometimes his employees will be there on Saturdays to check the equipment. He said the most important thing here is that they want to do everything right.

Commissioner Williamson asked how long he has been renting and storing the equipment on the property? Mr. Nieves said since last May. Commissioner Williamson said he was concerned about the start time: they won't be able to leave until 8:00 am. Mr. Nieves said that most guys come in at 7:45- 7:50 am and leave by 9:00 am.

Commissioner Nevill asked who owns the trailers shown in one of the photographs? Mr. Nieves replied they belong to some of his employees who asked to keep them there. Commissioner Nevill said the trailers could become a problem; it's only for staging his excavation equipment. The trailers wouldn't be included in the permission. Mr. Nieves said that wasn't a problem and they could remove them. Commissioner Nevill said there are seven conditions of approval; has he seen them? Mr. Nieves said yes. Commissioner Nevill asked if he would be okay adding a condition that would state he has to remove the trailers. Mr. Nieves said yes. Commissioner Nevill asked what would happen to his business if the conditional use permit was denied. Mr. Nieves said he might struggle a little bit until he found another place to move to. It would be hard for him. Commissioner Nevill said that he said he checks trucks on Saturday; does he do maintenance on the trucks? Mr. Nieves said that the tires are taken care of by Les Schwab and for oil changes and bigger maintenance items, he takes it to a mechanic. He fixes small things on site. Mr. Nieves said he keeps all the equipment at the back of the property to minimize any noise. Planner Samantha Hammond suggested the cleanest way to handle that would be to state all operation maintenance must happen during operating hours.

Commissioner Mathews asked how long his lease was? Mr. Nieves said they never talked about length of time. Commissioner Mathews asked if this activity was for a particular project or is it for all of their work. Mr. Nieves said he was eventually hoping to purchase his own place away from everybody and move out. Planner Samantha Hammond clarified that this conditional use permit was for the operation of his entire business, not just one project.

Commissioner Villafana asked if a landscaping business is allowed in the agricultural zone? Staff replied yes. Commissioner Villafana asked if excavating was also allowed. Planner Samantha Hammond said code is vague on what excavation is; this request is for the staging area only. Commissioner Villafana asked how much of his business is excavating versus landscaping. Mr. Nieves said 30-40% is landscaping and the rest of the work is excavating.

Planning Official Dan Lister and Samantha Hammond explained County Code for long term staging versus overnight parking.

Mr. Nieves said within a mile of his property, there are six different landscaping companies and another two excavating companies, on Robinson Road.

Chairman Sturgill asked Planner Samantha Hammond about similar conditional use permits in the area.

Ms. Hammond pointed to exhibit B(2c) which showed any conditional use permits but said the data was pulled from 2018 so it doesn't show anything since 2018. She also said there are a number of code enforcement violations in that area.

Commissioner Williamson asked Mr. Nieves if he did anything to mitigate dust when he stores dirt on the property. Mr. Nieves said not currently, because they don't haul in and out every day.

Commissioner Sheets asked the applicant if he had reviewed the staff report. Mr. Nieves responded yes. Commissioner Sheets said there are some potential impacts including movement of large vehicles and dust. There are suggested mitigations including a privacy fence; would he be willing to build a fence around the area? Mr. Nieves said he would be willing to build a berm around the area with the most noise. He didn't feel there was really heavy traffic in the morning. Commissioner Sheets asked if he would be willing to implement dust mitigation measures? Mr. Nieves said yes, he could have some of his guys water during the day.

Mario Nieves – IN FAVOR – 823 E. Hawaii Avenue Nampa ID 83686

Mr. Nieves said there is no work happening at the site unless they bring a dump truck to dump or pick up dirt on the site. There is no other work happening there. He said there is a lot of traffic anyway, especially because Robinson Road was closed due to a roundabout being built. That caused a lot of traffic in the area because it was closed for six months.

Joe Palmer – IN OPPOSITION – 104 South Robinson Road Nampa ID 83687

Mr. Palmer said he is in opposition to this because has to live next door to it. He has been in construction his whole life and he knows what it means to build a fence or a berm. A fence or berm isn't going to stop the backup alarms at 8:00 am. They have to have those because of an OSHA requirement. He said the property is an eyesore; they can't build a berm big enough to hide it. He said he didn't know how he ran the business out of two acres: it is jam packed. He doesn't want to listen to the noise. He said contamination will happen; fuel will get spilled on the ground and he doesn't want to drill another well. The roundabouts are finished on Robinson and he still had to sit for 10 minutes to get onto Robinson Road from his lane. Putting big trucks on the highway is asking for trouble.

Commissioner Nevill said the City of Nampa is recommending denial because they have a different plan for this area; what is his vision of the future of this property? Mr. Palmer said he moved to live in the country, for some peace and quiet and to raise some animals. They had no idea they would have some construction outfits move in and have to face that. He would like to see it stay the way it is. Commissioner Nevill asked if there were other construction companies on the street. Mr. Palmer said yes; Scott Construction gets a job and his equipment leaves for a couple of weeks. There isn't the coming and going every day. The former owner of that company had a conditional use permit and he thinks it transferred to the new owner.

Commissioner Williamson said it looks like he is disputing conditions #3, #4 and #7. Mr. Palmer said yes. Chairman Sturgill asked Mr. Palmer how long he had lived there. Mr. Palmer said 45 years. Chairman Sturgill asked what the subject property was used for in the past and Mr. Palmer said it was pasture.

Barbara Harris – IN OPPOSITION – 73 South Robinson Road Nampa ID 83687

Ms. Harris said she lives directly across the street from the subject property. She asked if they received her letter and photos. The Commissioners confirmed they did. She wanted to show them how it looked last week with photos. Planner Samantha Hammond said the new process is not to accept late exhibits

unless the Commission votes to accept them. Ms. Harris described the photos she took: there are higher weeds, additional piles of concrete and old stumps. The city of Nampa expects this to go more residential, not in the opposition direction. This business is located in a cluster of residential properties. It is noisy, dirty and dangerous. She said they do load up the equipment and leave in the morning and come back at night. The big problem, she said, is the big trucks that come and go are 15 cubic yard dump trucks and larger. Most days they bring material and dump it. They have compression brakes that slow in front of her house. She doesn't know what they are bringing in, but she is breathing it. There is all this noise including the slamming of tailgates and back up alarms. She said it is an eyesore.

MOTION: Commissioner Mathews moved to grant 2 more minutes of testimony to Barbara Harris, seconded by Commissioner Villafana. Voice vote, motion carried.

Ms. Harris continued: the traffic is bad and 50 mph is a minimum speed. Her real estate agent said there will be a significant change in their property values. It has changed the tenor of the neighborhood and impacted her lifestyle. She looks out her front window and sees a mess. She said this doesn't belong in the middle of a residential area and Nampa knows that. All the properties are small agricultural and residential. The traffic issue will be a huge one; if the Commissioners approve this, there will be an accident in front of her house. It is not an "if", it's a "when".

Commissioner Nevill asked if she agrees that it is low density residential. She said yes. Commissioner Nevill asked if she was aware of any other construction companies in the area. She said "Scott's" is down the road. She supported that business a few years ago but probably wouldn't now because businesses like that don't belong in a residential area. She said Scott's a totally different business: he stores his trucks at the back of the property and there is no coming and going on a daily basis.

Commissioner Williamson asked Ms. Harris about conditions of approval 3, 4 and 7. He asked if she didn't think there was any way to mitigate those issues. She said a perimeter fence isn't going to change the Comprehensive Plan and it won't affect the traffic issue. She believes it is injurious to her property and those in the immediate vicinity. She didn't have any information on the sanitary services for that property or any septic system approved for 23 employees. Her well is less than 150 feet from that property.

Chairman Sturgill asked if she was suggesting that this property is being used for more than a staging area with material was being dumped and re-loaded at the site. Ms. Harris said yes, not every day but often.

Diana Shelubay – IN OPPOSITION – 3447 W. Remembrance Drive Meridian ID 83642

Ms. Shelubay was there for her parents who live at 70 S. Robinson Road. She said they don't have anything against the applicants but her parents, who migrated from Ukraine decades ago, built their dream home four years ago to have it now be affected. As a realtor, she said these properties will be affected. The tenants dump a lot of concrete that doesn't get moved very often. Her kids go to her parents' house and they have to breathe the diesel fumes from the trucks. She expressed concerns about a farmer who grows corn right by the property and if diesel fuel spills, she asked what will happen to that corn?

Juan Carlos Nieves – Applicant (Representative) – REBUTTAL – 3812 E. Clear Springs Dr. Nampa ID 83686

Mr. Nieves said the backup alarms on the trucks only happen when they are working from that property. He said what Mrs. Parker said about the pictures, he felt like she was calling the planner a liar. He said trucks come and go and when the planner came to take the pictures, most of the trucks were gone. He acknowledged that he does have more trucks than is shown in the photos. He said he does start the trucks in the morning, but they don't run all day at that location.

Commissioner Dorsey asked him to explain the dumping and unloading on site. Is it just his trucks that are unloading? Mr. Nieves said when they are doing a job and they have extra dirt, they bring it to the yard. When they need it somewhere else, they haul it out. Commissioner Dorsey asked about other materials like concrete. Mr. Nieves said that he does dump concrete but he only dumps concrete on site when the dump is closed. Once it opens, he picks it up and hauls it off.

MOTION: Commissioner Williamson moved to close public testimony on Case CU2023-0002, seconded by Commissioner Mathews. Voice vote, motion carried.

DELIBERATION:

Commissioner Villafana asked Planner Samantha Hammond how long would the business have to move if they were denied? Ms. Hammond replied she couldn't answer that question; the case would be turned over to Code Enforcement. Planning Official Dan Lister said it depends on how long the case has been active and how much time they have already given them to abate the situation. Commissioner Villafana asked if they could appeal to the Board of County Commissioners and the planner replied yes. Commissioner Nevill said they could put some additional conditions in the conditional use permit to mitigate all the issues but he felt this application was too flawed to fix. The biggest issue is that the City of Nampa has a different vision for the area and they have an agreement with the city to try to help each other. He didn't see overwhelming evidence that he would not want to help them with their plans for low density residential. He recognizes that by voting for denial, he is causing a significant problem for Mr. Nieves and he applauds his business ownership and that he employs people. He hopes that it is true that he moves and continues his business. He thinks the area is in transition and doesn't feel that either one of the construction outfits mentioned during testimony need to stay there. He said this is not the character of the area. He would be in favor of denial.

Commissioner Mathews said he agreed with Commissioner Nevill. He is concerned that there is no term to the lease which could mean it is a perpetual thing. He said it is inconsistent with what the city of Nampa is doing and where the area is headed. He doesn't think it is an appropriate use of the property. Commissioner Villafana asked if they could put in a condition that as higher density of residential encroaches they would have a certain number of days to vacate, or a condition that will not allow any additional permanent structures to be put on the site. He said, as of now, Nampa doesn't have any houses out there yet. If we look at it as of right now, this business is allowed through a Conditional Use Permit. It could be years before houses are built in the area. Planner Samantha Hammond said any additional buildings put on the site would be out of the scope of the conditional use permit and they would need to come in for a building permit to do that. She said it was hard to condition city expansion as you don't know when or how that would happen. She doesn't know how code would allow that wording. There was discussion about traffic in the area.

Commissioner Williamson said this is Canyon County and while he appreciates the comments from the city of Nampa, this is the county. He was on the fence about this application. If approved, he would want see some form of mitigation for the dust and weeds.

Commissioner Dorsey asked the planner if when the city Nampa comes along, could they make another decision and say the use is no longer appropriate? The planner described the process if the property was annexed in and how the existing conditional use would be handled.

Commissioner Sheets said in the abstract, he agrees with the staff report. For this specific property, he disagrees with it. Based on the testimony heard tonight, the prior use was a pasture then the character of the property changed. He said the activities are relatively close to the other properties so he finds under condition of approval #4, it would be injurious to the area. He said that also goes with condition of approval #7; the traffic patterns. He understands they can't control what goes on down the road, but they can control what happens here. The staging area would increase the immediate area's traffic with large vehicles and equipment. He thinks there will be undue influence on current and future traffic patterns. Based on those observations and the testimony they heard, he is not in favor of this as presented.

MOTION: Commissioner Nevill moved to deny Case CU2023-0002 including the Findings of Facts, Conclusions of Law and Conditions of Approval. Motion seconded by Commissioner Mathews. Roll call vote: 4 in favor, 3 opposed, motion passed.

APPROVAL OF MINUTES:

MOTION: Commissioner Nevill moved to approve the minutes from 5/18/2023, seconded by Commissioner Villafana. **Commissioner Mathews, Commissioner Dorsey and Chairman Sturgill abstained from the vote.** Voice vote, motion carried.

DIRECTOR, PLANNER, COMMISSION COMMENTS:

Planner Jenna Petroll announced that this would be her last hearing as she was moving to the East Coast. Planning Official Dan Lister listed off some future workshops with the Board of County Commissioners with local Fire Departments, the City of Middleton regarding their area of city impact and aligning the County and city's visions for the future, discussions about private roads and an outline on how they want to amend the private road county code. He summarized some past workshops with the Board of County Commissioners. Planner Michelle Barron pointed out that the Commissioners always have the decision option to table or continue the case and instruct the applicant to work with staff on any issues that may need to be addressed.

ADJOURNMENT:

MOTION: Commissioner Sheets moved to adjourn, seconded by Commissioner Williamson. Voice vote motion carried. Hearing adjourned at 9:56 pm.

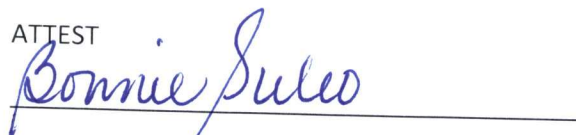
An audio recording is on file in the Development Services Departments' office.

Approved this 20th day of July, 2023



Robert Sturgill, Chairman

ATTEST



Bonnie Puleo, Hearing Specialist



Planning & Zoning Commission
Canyon County Development Services Dept.
Case Type: VAC2023-0001

HEARING DATE: June 15, 2022

OWNER: Philip & Glenda Horton

APPLICANT/REP: N/A

PLANNER: Sage Huggins

CASE NUMBER: VAC2023-0001

LOCATION: R30430103; lot 4
block 1 within
Kodiak
Subdivision



PROJECT DESCRIPTION:

The applicants, Philip & Glenda Horton, are requesting a plat vacation to remove the 12 foot utility and irrigation easement along the northeast and south lot lines located on lot 4 block 1, Kodiak Subdivision. The 20 ft Easement for Kennedy Lateral will not be affected with this application. The applicant's property is located at 4832 Meadowlark Ln, Nampa, the request affects only parcel R30430103, lot 4, block 1, Kodiak Subdivision; also referenced as a portion of the NW¼ of Section 08, Township 3N, Range 1W; Canyon County, Idaho.

PARCEL INFORMATION: Exhibit 1 (*Parcel Tool Info*)

Parcel R340430103 is lot 4 block 1 within Kodiak Subdivision that was platted in 2017. There is a 20 ft irrigation easement along the Kennedy Lateral that is on the northeast of the property. From that easement there is additionally a 12 ft utility easement on the plat. The parcel is within the impact area of Nampa and is zoned R-1 (single family residential).

PROJECT OVERVIEW

The applicants are requesting to vacate the irrigation & utility easement to allow for construction of a shop.

Existing Conditions:

Direction	Existing Conditions	Primary Zone	Other Zones
N	Rural Residential	A	
E	Rural Residential	A	
S	Single Family Residential/ Carol Manor Subdivision	A	
W	Single Family Residential/ Kodiak Subdivision	R-1	

“A” (Agricultural), “R-R” (Rural Residential), “R-1” (Single-Family Residential), “C-1” (Neighborhood Commercial), “C-2” (Service Commercial), “M-1” (Light Industrial), “CR” (Conditional Rezone)

Surrounding Land Use Cases:

Within one (1) mile of the site there have been 2 land use cases since 2018.

(Exhibit B Attachment 3e)

- RZ2021-0032- Rezone Ag to R-1, Approved
- OR2021-0015- Comprehensive Plan Map change from Ag to Res, Approved

Character of the Area:

- The immediate area is small acreage agricultural zoned subdivisions with significant agricultural crop production further to the north across Cherry Ln and to the northeast. City limits are 0.25 miles northwest of the subject property with the area transitioning to residential. (Exhibit B Attachment 1)

Access and Traffic:

- The subject property gains access from Meadowlark Ln, a private road, that was approved during the platting process in 2017. Meadowlark Ln comes off of Star Rd which is classified as a proposed major collector and maintained by City of Nampa. This application does not affect existing traffic conditions.

Facilities:

- Canyon County received signatures from all Kodiak Subdivision residences, Sparklight (Cable One), Southwest District Health, Intermountain Gas, Lumen, Idaho Power, and City of Nampa indicated that they do not oppose the proposed easement vacation. (Exhibit B Attachment 2)

Essential Services:

- Essential Services were noticed of the easement vacation and no comments were received.

COMPREHENSIVE PLAN ALIGNMENT:

The subject property is designated Residential in the 2030 Canyon County Comprehensive Plan Future Land Use Map which is the current and intended use to remain on the subject property. The proposal aligns with the following goals and policies of the 2030 comprehensive plan.

Chapter 1: Property Rights

Goal 1. Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.

Policy 1. No person should be deprived of private property without due process of law.

POTENTIAL IMPACTS:

- Applicant must comply with the required setbacks for the property and maintain the Kennedy lateral 20 ft easement with no encroachments.
- The subdivision ordinance 071709(1)E5 states the utility easement width shall be a minimum 10 ft from exterior boundaries and 5 ft from interior lot lines and shown graphically on the plat. 171713(4)C. The vacation of the easement would not align with this ordinance.
- The removal of these utility easements restricts the ability for services to be extended in the future once a path to annexation is available.

COMMENTS:

- Agencies:

- Idaho Department of Environmental Quality (Exhibit B Attachment 4a): General comments regarding air quality, wastewater, drinking water, surface water, etc.
- Nampa Highway District (Exhibit B Attachment 4b): “Nampa Highway District #1 has no comment as the Utility and Irrigation easement is not the Highway District’s jurisdiction.”
- Idaho Transportation Department (Exhibit B Attachment 4c): After careful review of the transmittal submitted to ITD on March 1, 2023 regarding Horton / VAC2023-0001, the Department has no comments or concerns to make at this time. The vacation of the easements does not impact the state highway system.
- Nampa Engineering Department (Exhibit B Attachment 4d): Our City Engineer came by just now and told me he had already talked with the applicant about this and had no concern with their request. Please rescind my previous comment and note that Nampa Engineering Division has no concern with the request.
- Idaho Power (Exhibit B Attachment 4e): Upon review of the attached letter, Idaho records indicate no company facilities are located within that certain area identified as the northernly and southernly easement area proposed for vacation. Therefore, Idaho Power has no objection to the proposed vacation of area described and attached hereto.”

- No public comments were received

RECOMMENDATION:

Based on the analysis, Staff recommends the Planning and Zoning Board open a public hearing and discuss Case No. VAC2023-0001.

- Staff is recommending approval of the request for an easement vacation in a platted subdivision and has provided Findings of Fact, Conclusions of Law & Order and draft development agreement for the Planning and Zoning Boards consideration found in Exhibit B.

DECISION OPTIONS:

- The Planning and Zoning Board may recommend that the Board approve the Plat Vacation;
- The Planning and Zoning Board may recommend that the Board deny the Plat Vacation and direct staff to make findings of fact to support this decision; or
- The Planning and Zoning Board may continue the discussion and request additional information on specific items.

ATTACHMENTS/EXHIBITS:

Exhibit A: Parcel Tool

Exhibit B: Draft FCO's

Attachment 1: Site Photos

Attachment 2: Letter of Intent, concept plan, agency responses to the applicant

Attachment 3: Maps

a: Small Aerial

b: Zoning

c: Future Land Use

d: Subdivision

e: Cases

f: Soil Report

Attachment 4: Agency Comments

a: Idaho Department of Environmental Quality

- b: Nampa Highway District No. 1
- c: Idaho Transportation Department
- d: City of Nampa Engineering
- e: Idaho Power

R30430103 PARCEL INFORMATION REPORT

5/31/2023 9:52:59 AM

PARCEL NUMBER: R30430103**OWNER NAME: HORTON PHIL E AND GLENDA L FAMILY TRUST****CO-OWNER:****MAILING ADDRESS: 4832 MEADOWLARK LN NAMPA ID 83687****SITE ADDRESS: 4832 MEADOWLARK LN****TAX CODE: 0090000****TWP: 3N RNG: 1W SEC: 08 QUARTER: NW****ACRES: 1.06****HOME OWNERS EXEMPTION: No****AG-EXEMPT: No****DRAIN DISTRICT: NOT In Drain Dist****ZONING DESCRIPTION: AG/R1 / SINGLE FAMILY RESIDENTIAL****HIGHWAY DISTRICT: NAMPA HWY DIST****FIRE DISTRICT: NAMPA FIRE****SCHOOL DISTRICT: WEST ADA SCHOOL DISTRICT****IMPACT AREA: NAMPA****FUTURE LAND USE 2011-2022 : Res****FLU Overlay Zone Desc 2030:****FLU RR Zone Desc 2030:****FUTURE LAND USE 2030: Res****IRRIGATION DISTRICT: BOISE PROJECT BOARD OF CONTROL****FEMA FLOOD ZONE: X FLOODWAY: NOT In FLOODWAY FIRM PANEL: 16027C0401F****WETLAND: Riverine****NITRATE PRIORITY: NO Nitrate Prio****FUNCTIONAL Classification: NOT In COLLECTOR****INSTRUMENT NO. : 2019061691****SCENIC BYWAY: NOT In Scenic Byway****LEGAL DESCRIPTION: 08-3N-1W NW KODIAK SUB LT 4 BLK 1****PLATTED SUBDIVISION: KODIAK SUB****SMALL CITY ZONING:****SMALL CITY ZONING TYPE:****DISCLAIMER:**

1. FEMA FLOOD ZONE REFERS TO THE DESIGNATED FEMA FLOOD AREAS, POSSIBLY ONE (1) OF SEVERAL ZONES - SEE FIRM PANEL NUMBER.
2. THIS FORM DOES NOT CALCULATE DATA FOR PARCELS INSIDE CITY LIMITS SO WATCH YOURSELVES.
3. WETLANDS CLASSIFICATION WILL POPULATE IF "ANY" PORTION OF SAID PARCEL CONTAINS A DELINEATED WETLAND.
4. COLLECTORS AND ARTERIALS ARE BASED ON THE SHERIFFS CENTERLINE WITH AN ADDITIONAL 100 FOOT BUFFER.

CANYON COUNTY ASSUMES NO LIABILITY FOR DIRECT, INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR MISUSE OF THIS PARCEL INFORMATION TOOL OR ANY OF THE INFORMATION CONTAINED HEREIN.



PLANNING AND ZONING COMMISSION

FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of:

[Horton] – [Case VAC2023-0001]

The Canyon County Planning and Zoning Commission considers the following:

1) Vacate Utility Easements

[VAC2023-0001, The applicants Philip & Glenda Horton are requesting to remove the 12 ft irrigation and utility easement on the northeast and south boundary of their property located at 4832 Meadowlark Ln (Parcel Number: R30430103), a portion of the NW¹/₄ of Section 08, T3N, R1W, BM, Canyon County, Idaho]

Summary of the Record	
1.	The record is comprised of the following:
1.	The record includes all testimony, the staff report, exhibits, and documents in Case File VAC2023-0001.
Applicable Law	
1.	The following laws and ordinances apply to this decision: Canyon County Code §07-17-35 Subdivision/Easement Vacation, Idaho Code §50-1306A, Idaho Code §50-1324, and Canyon County Code §07-02-03 (Definitions).
a.	Notice of the public hearing was provided per CCZO §07-05-01.
b.	Any property owner desiring to have an existing subdivision vacated, in whole or part, including easements, shall complete and file an application along with any fees with DSD and also file such other applications as are otherwise required by law.
2.	The commission shall have those powers and perform those duties assigned by the board that are provided for in the local land use planning act, Idaho Code, title 67, chapter 65, and county ordinances. CCZO §07-03-01, 07-07-01.
3.	The burden of persuasion is upon the applicant to prove that all criteria, including whether the proposed use is essential or desirable to the public welfare, are satisfied. CCZO §07-05-03.
4.	Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.
5.	The County's hearing procedures adopted per Idaho Code §67-6534 require that final decisions be in the form of written findings, conclusions, and orders. CCZO 07-05-03(1)(I).

The application (VAC2023-0001) was presented at a public hearing before the Canyon County Planning and Zoning Commission on June 15, 2023. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Canyon County Planning and Zoning Commission decide as follows:

Pursuant to CCZO §07-17-35: Subdivision/Easement Vacation:

1. Any property owner desiring to have an existing subdivision vacated, in whole or part, including easements, shall complete and file an application along with any fees with DSD and also file such other applications as are otherwise required by law.	
Conclusion: Property owners, Philip & Glenda Horton, submitted a plat vacation application on February 10, 2023.	
2. Upon receipt of the completed application and other information as may be required, DSD shall affix the date of application acceptance thereon. The application shall be considered by the commission at a public hearing noticed as provided for in article 5 of this chapter. Vacations shall be processed in accord with the regulations set forth in Idaho Code §50-1306A and recorded in accord with the regulations set forth in Idaho Code §50-1324.	
Conclusion: The application was processed and noticed in accordance with Chapter 7, Article 5 of the Canyon County Zoning Ordinance (CCZO)	
Pursuant to Idaho Code §50-1306A:	
A. Any person, persons, firm, association, corporation or other legally recognized form of business desiring to vacate a plat or any part thereof must petition the city council if it is located within the boundaries of a city, or the county commissioners if it is located within the unincorporated area of the county. Such petition shall set forth particular circumstances of the requests to vacate; contain a legal description of the platted area or property to be vacated; the names of the persons affected thereby, and said petition shall be filed with the city clerk.	
Conclusion: Property owners, Philip & Glenda Horton, submitted a plat vacation application on February 10, 2023.	
B. Written notice of public hearing on said petition shall be given, by certified mail with return receipt, at least ten (10) days prior to the date of public hearing to all property owners within three hundred (300) feet of the boundaries of the area described in the petition. Such notice of public hearing shall also be published once a week for two (2) successive weeks in the official newspaper of the city, the last of which shall be not less than seven (7) days prior to the date of said hearing; provided, however, that in a proceeding as to the vacation of all or a portion of a cemetery plat where there has been no interment, or in the case of a cemetery being within three hundred (300) feet of another plat for which a vacation is sought, publication of the notice of hearing shall be the only required notice as to the property owners in the cemetery.	
Conclusion: The above noticing is required for the public hearing before the Board of County Commissioners. The Planning and Zoning hearing was processed and noticed in accordance with Chapter 7, Article 5 of the Canyon County Zoning Ordinance (CCZO).	
C. When the procedures set forth herein have been fulfilled, the city council may grant the request to vacate with such restrictions as they deem necessary in the public interest.	
Conclusion: Not applicable.	
Findings: (1) The subject subdivision is not located within an incorporated city.	
D. If a petition to vacate is brought before county commissioners, and the plat or part thereof which is the subject of the petition is located within one (1) mile of the boundaries of any	

city, the county commissioners shall cause written notice of the public hearing on the petition to be given to the mayor or chief administrative officer of the city by regular mail at least thirty (30) days prior to the date of public hearing.	
Conclusion: The request is located in City of Nampa's impact area. The City of Nampa was notified on May 4, 2023.	
Findings:	(1) The City of Nampa responded with the following comment: Nampa Engineering Division has no concern with the request.
	(2) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. VAC2023-0001.
	(3) Evidence includes associated findings and evidence supported within this document.
E. In the case of easements granted for gas, sewer, water, telephone, cable television, power, drainage, and slope purposes, public notice of intent to vacate is not required. Vacation of these easements shall occur upon the recording of the new or amended plat, provided that all affected easement holders have been notified by certified mail, return receipt requested, of the proposed vacation and have agreed to the same in writing.	
Conclusion: All utility agency contacts the County has were notified on May 4, 2023. Neighbors were notified on May 5, 2023.	
Findings:	(1) Canyon County received signature from all Kodiak Subdivision residents, Sparklight (Cable One), Southwest District Health, Intermountain Gas, Lumen, Idaho Power, and City of Nampa that they do not oppose this easement vacation. (Exhibit B Attachment 2),
	(2) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. VAC2023-0001.
	(3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on May 4, 2023. Newspaper notice was published on May 5, 2023. Property owners within 600' were notified by mail on May 5, 2023. Full political notice was provided on May 4, 2023. The property was posted on May 11, 2023.
	(4) Evidence includes associated findings and evidence supported within this document.
F. When public streets or public rights-of-way are located within the boundary of a highway district, the highway district commissioners shall assume the authority to vacate said public streets and public rights-of-way as provided in §40-203, Idaho Code.	
Conclusion: The request does not include vacation of any public streets or public right-of-ways. Therefore, this is not applicable to this application.	
Findings:	(1) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. VAC2023-0001.
G. All publication costs shall be at the expense of the petitioner	
Conclusion: Publication costs are covered by the County. Publication was completed on May 5, 2023.	
H. Public highway agencies acquiring real property within a platted subdivision for highway right-of-way purposes shall be exempt from the provisions of this section	

Conclusion: Not applicable to this application.

I. Land exclusive of public right-of-way that has been subdivided and platted in accordance with this chapter need not be vacated in order to be re-platted.

Conclusion: Not applicable to this application.

3. The commission shall review the request and any agency response and make a recommendation to the Board for approval, conditional approval or denial.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **approves** Case VAC2023-0001, to vacate the 12 ft Utility Easement along the northeast, and south boundaries on lot 4 block 1 of Kodiak Subdivision Final Plat and to forward the recommendation to the Board of County Commissioners

Conditions of Approval

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the property.
2. This vacation does not include the 20 ft Kennedy Lateral easement that shall remain on the plat for Kodiak Subdivision and shall not be encroached upon by any structures or over hangs.
3. Standard County setbacks must be met for all proposed structures.
4. A new Final Plat shall be recorded in accordance with 50 1306A(5).

DATED this _____ day of _____, 2023.

**PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO**

Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

On this _____ day of _____, in the year 2023, before me _____, a notary public, personally appeared _____, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she) executed the same.

Notary: _____

My Commission Expires: _____



Taken from the southwest of the subject property looking northeast at the home site. (photo point 1)



Taken from the southwest of the subject property looking west down Meadowlark Ln (private). (photo point 1)



Taken from the southwest of the subject property looking north at where the Kennedy Lateral is located behind the homesite and neighbors shop. (photo point 1)



Taken from the north of the subject property looking north at the Kennedy Lateral Location. (photo point 2)



Taken from the entrance of Meadowlark Ln (private) looking west where it meets Star Rd. (photo point 3)



Taken from the entrance of Meadowlark Ln (private) where it meets Star Rd looking east down the private Ln. (photo point 3)



Taken along Star Rd looking down Kennedy Lateral to the east that is located north of Kodiak Subdivision and the subject property. (photo point 4)



Taken along Star Rd looking down Kennedy Lateral to the east that is located north of Kodiak Subdivision and the subject property. (photo point 4)

February 10, 2023

Canyon County Development Service
111 North 11th Ave #310
Caldwell, ID 83605

RE: Plat Vacation Submittal
Detailed Letter of Intent

Detailed written letter of intent fully describing easements to be vacated and reasoning.

Deed of ownership is attached. Recorded original plat for Kodiak Subdivision is attached.

Vacate the 12 foot utility easements only on North and South side of Lot 4 Blk 1 Kodiak Subdivision. Vacating these 12 foot utility easements will help homeowner to better utilize the vacant land and accommodate personal shop at residence to be built on the far East side of Lot 4 Blk 1 Kodiak Subdivision.

Revised plat detailing easements to vacate, Mason & Associates Inc. Plat is attached.

No current utilities located within this 12 foot utility easement and no future expected need for the 12 foot utility easements. No neighbors currently or in the future are expected to be affected.

Owners of Lots 1, 2, 3, 4 Blk 1 Kodiak Subdivision has signed that they are aware and have no concerns or issues with these utility easements being vacated. Attached

Current Irrigation/lateral easement at 20 foot from exterior boundary on north side along Kennedy Lateral will not be changed or affected. Nampa Meridian Irrigation has been contacted but they are not able to respond in writing.

Construction is personal use only and not commercial.

SW Health district has been contacted. Authorization approval dated 9/6/2022. Attached

Intermountain Gas Company has responded in writing stating Intermountain Gas has reviewed gas line on the property of Lot 4 Blk 1 and have no objection in the vacation of the north and south 12' utility easements. Attached

Century link/Lumen has responded in email and map showing they do not have any facilities on record for that subdivision. Attached

City of Nampa, Daniel Badger, has been consulted on what the City of Nampa's stand would be and Mr. Badger doesn't feel there would be any problem with this request. Business card attached.

Idaho Power has a formal application to vacate easements. Application has been submitted via postal along with application fee. Application has also been submitted via email directly to easements@idahopower.com. Attached

Spark light internet has been sent email with request in writing. Will submit to Canyon County once received. Business card attached.

If you have questions about this response, please feel free to contact Phil Horton 208.941.3333 or Glenda Horton at 208.941.1347.



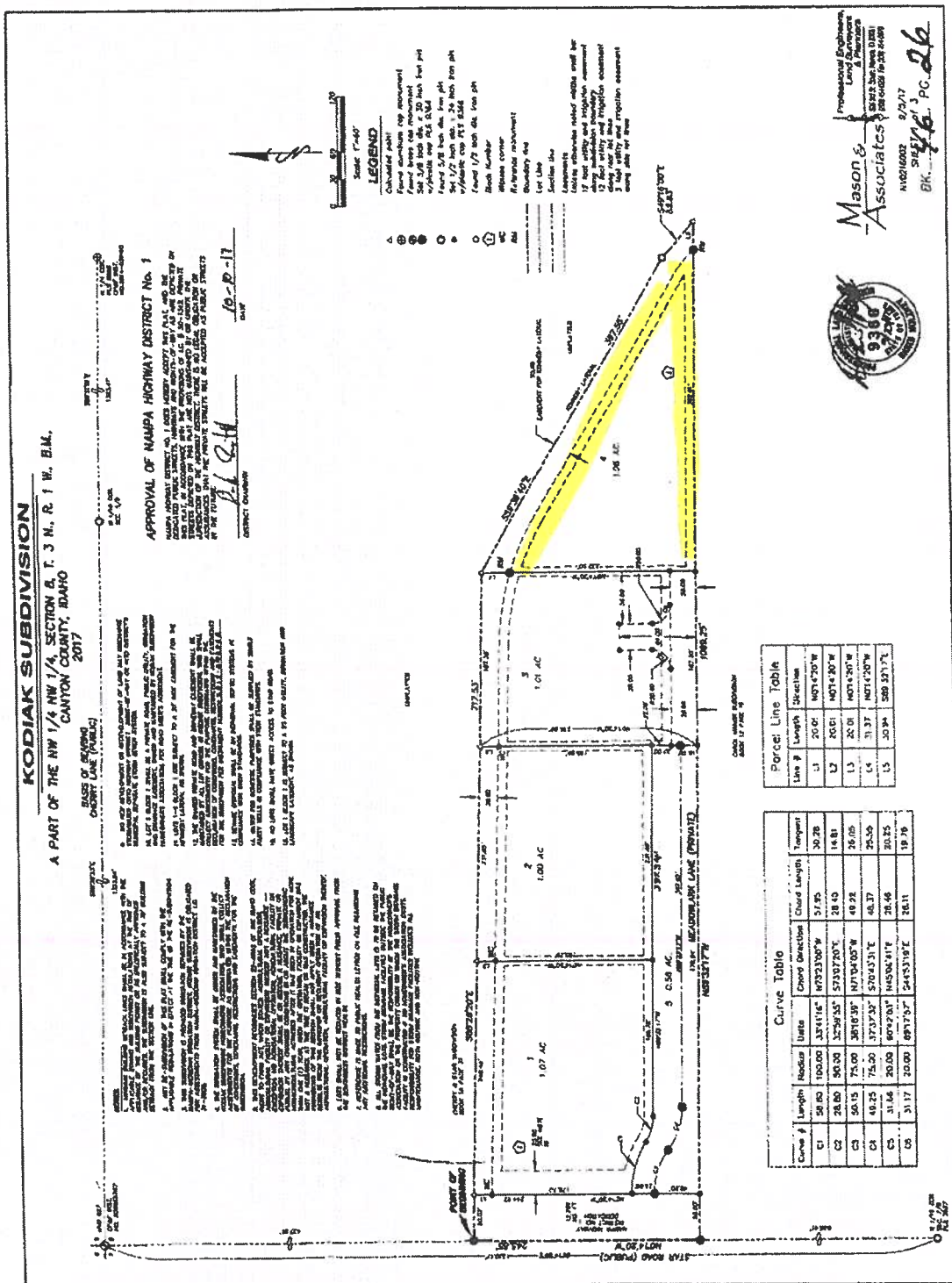
Respectfully,
Glenda Horton
Owner

NOT OFFICIAL
SEE ORIGINAL IN RECORDERS
OFFICE

2017-049775
RECORDED
11/15/2017 12:22 PM



CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=3 HC RETAL \$11.00
PLAT
MASON & ASSOC

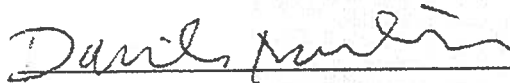


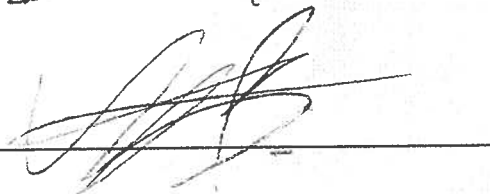
This map is furnished as an accommodation strictly for the purposes of generally locating the land. It does not represent a survey of the land or imply any representations as to the size, area, or any other facts related to the land shown hereon.

February 9, 2023

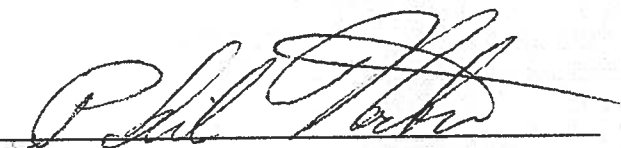
RE: Kodiak Subdivision Lot 4 Blk 1

As owners of the following lots in Kodiak Subdivision. We are aware of the application to vacate the 12 foot utility easements on the north and south boundaries of Lot 4 Blk 1 Kodiak Subdivision. We do not have any concerns or objections to this request now or in the future.

Lot 1 Blk 1 Daniela Martinez 

Lot 2 Blk 1 Juan Ramirez 

Lot 3 Blk 1 Nick Gibson  02/09/23

Lot 4 Blk 1 Phil Horton 



Re: Kodiak Subdivision
Lot 4 Block 1
T3n.,R1W., Section 8, Canyon County

To Whom It May Concern,

We, CableOne, Inc. dba Sparklight, reviewed the property easement listed for Lot 4 Block1. Sparklight has no objections in the vacation of the north and south side 12' utility easement along the subdivision boundary located in Kodiak Subdivision, Canyon County Idaho.

Sincerely,

A handwritten signature in black ink that reads "Dan Weed".

Daniel Weed
Construction Supervisor
Sparklight
2101 E Karcher Rd
Nampa, Idaho 83687



Southwest District Health
13307 Miami Lane
Caldwell, ID 83607
208-455-5400

Receipt No: 210210 Date: 9.1.2022
Fee: \$55- Document #: 013278-012027
Legal Desc: 3N 1W 8
Parcel #: 304301030
Subdivision: Kodiak Sub.

Accessory Use Approval Request

I Phil Horton am the current owner and/or authorized agent of real property located at 4832 Meadowlark Ln Nampa Id 83687. I hereby acknowledge, understand, and agree to the following:

1. I acknowledge that I am jointly and individually responsible for maintaining conformance with Idaho's Rules for Individual/Subsurface Sewage Disposal, IDAPA 58, Title 01, Chapter 03, as defined in IDAPA 58.01.03.002.04.
2. I understand that the Rules for Individual/Subsurface Sewage Disposal, IDAPA 58, Title 01, Chapter 03, must be met, and that Southwest District Health (SWDH) has granted this approval based on information I have provided.
3. I understand that I am voluntarily requesting this change to the property, and if I violate the below rules my subsurface sewage disposal system may be considered a non-conforming system. I understand that non-conforming systems do not meet the Rules for Individual/Subsurface Sewage Disposal, IDAPA 58, Title 01, Chapter 03, and that neither I, nor future owners, will be allowed future voluntary additions or alterations unless current permitting requirements are met.
4. I understand the following: that any modifications to the existing structure or the new structure foundation will not be within twenty feet (20') with basements, or ten feet (10') without basement, of my drainfield(s); the septic tank will not be within five feet (5') of the foundation; the drainfield(s) will not be within five feet (5') of property lines; the drainfield(s) area must be protected from vehicular traffic; the subsurface sewage disposal system(s) will not be receiving additional flows beyond those specified on the application; and the above requirements apply to both my primary and replacement drainfield system(s).
5. I agree to waive or release any right, claim, or cause of action which I may now have, or which I may have in the future, against SWDH, from any and all additional effects that may be caused or may have been caused by this approval.
6. I acknowledge that upon sale of this property, disclosure of any and all information relating to this subsurface sewage disposal system lies solely with me and/or my representatives/agent, and not with SWDH.

Applicant Signature: [Signature] Date: 08/23/2022

REHS/RS Signature: Anthony Lee Digitally signed by Anthony Lee
Date: 09/06/2022
(By signing above, SWDH approves the request as noted in the application.)

Date	09/06/22		
Travel			
Inspect			
EHS Code	035		

Comment(s): The proposed steel building meets minimum setback requirements to existing primary and replacement area.



Re: Kodiak Subdivision
Lot 4 Block 1
T3N., R1W., Section 8, Canyon County

Intermountain Gas has reviewed the existing gas line on the property of Lot 4 Block 1 and have no objections in the vacation of the north and south 12' utility easement along the subdivision boundary. If you have any questions, feel free to give me a call at 208/468-6711 or email me at mtaylor@intgas.com.

Sincerely,

Monica Taylor

Monica Taylor
GIS Field Tech
Nampa District Office
2921 Caldwell Blvd.
Nampa, ID 83651

Thanks
Glenda Horton
208-941-1347

[Quoted text hidden]

Walker, Brandy <Brandy.Walker@lumen.com>

Thu, Feb 2, 2023 at 2:28 PM

To: Glenda Horton <glenda.horton3333@gmail.com>, "Garrett, James" <James.Garrett@lumen.com>, "Klaudt, Gunnar" <Gunnar.Klaudt@lumen.com>

Glenda,

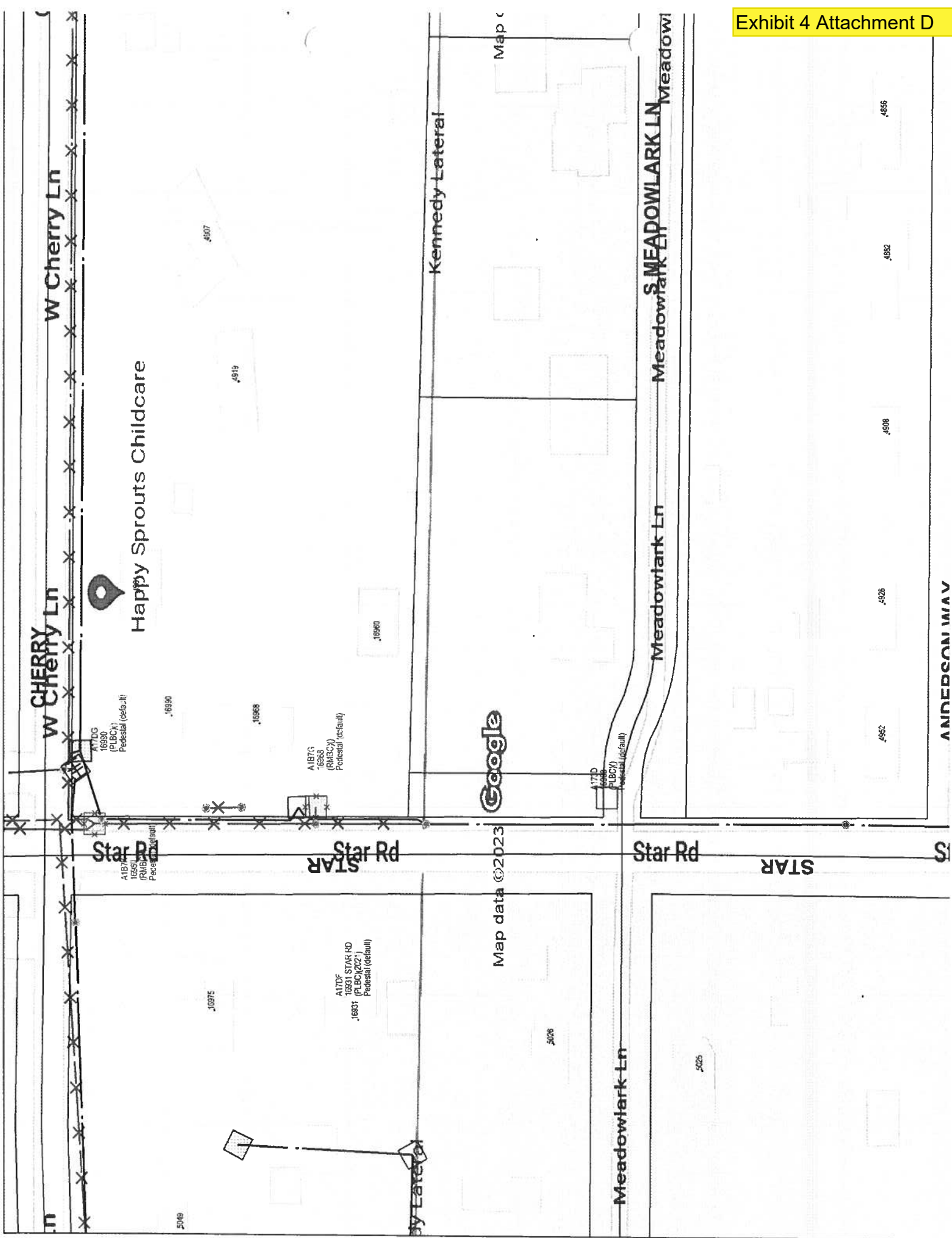
Requests for facility maps, relocations or easement vacations in the Nampa area should go to my fellow Engineer James Garrett. He is out of the office right now so I will answer. We don't have any facilities on record for that subdivision.

[Quoted text hidden]

[Quoted text hidden]



output.pdf
213K





DANIEL BADGER, P.E.
CITY ENGINEER
ENGINEERING DIVISION

(208) 468-5469 ext. 407
(208) 936-5690 cell
BADGERD@CITYOFNAMPA.US

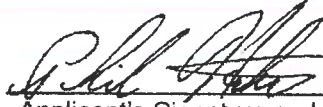
500 12TH AVENUE SOUTH
NAMPA, IDAHO 83651

CITYOFNAMPA.US

Idaho Power Application for Release of Easement

Applicant may be requested to pay other costs if required to complete this request (e.g., surveying, appraisal, title search, etc.)

Mail to: Corporate Real Estate Department: Land Management & Permitting (or email to easements@idahopower.com)
 Attn: Easement Specialist
 P.O. Box 70
 Boise, ID 83707-0070
 Phone: (208) 388-5070 or (208)-388-5263


 Philip Horton
 Applicant's Signature and Printed Name

Applicant Information

Applicant's Name <u>Philip E Horton</u>		Date <u>02/02/2023</u>	
Mailing Address <u>4832 Meadowlark Ln</u>		City <u>Nampa</u>	State <u>Id</u> Zip <u>83687</u>
Phone Cell <u>208.941.3333</u>	Cell	E-mail <u>glenda.horton3333@gmail.com</u>	

Current Property Owner Information

Owner's Name <u>Philip E Horton & Glenda L. Horton</u>			
Mailing Address <u>4832 Meadowlark Ln</u>		City <u>Nampa</u>	State <u>Id</u> Zip <u>83687</u>
Phone Cell Phil <u>208.941.3333</u>	Cell Glenda <u>208.941.1347</u>	E-mail <u>glenda.horton3333@gmail.com</u>	

Type

<input type="checkbox"/> Idaho Power Easement	<input checked="" type="checkbox"/> Public Utility Easement	<input type="checkbox"/> Road Right of Way	<input type="checkbox"/> Internal Request
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Easement Information

Instrument # <u>2017-049775</u>	Date Recorded <u>11/15/2017</u>	Execution Date
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Location Information

County <u>Canyon</u>	Quarter	Township	Range	Section
Subdivision <u>Kodiak Subdivision</u>	Block <u>1</u>	Lot <u>4</u>	Parcel Number / Assessor's Number <u>304301030</u>	

In addition to information provided, please explain request. (If more space is needed, please use the backside of this form.)

(Why is this needed? Is there a pending sale? Are there any associated public hearings? What are your dates of construction?)

Requesting Utility Easements on South & North boundary Lines of Lot 4 block 1 Kodiak Sub be vacated.

No Current Utilities within these Easements.

Required Enclosures (See explanations on cover letter)

<input checked="" type="checkbox"/> Complete Application	<input checked="" type="checkbox"/> Copy of easement, subdivision plat, or city town site
<input checked="" type="checkbox"/> Map of Location	<input checked="" type="checkbox"/> \$150 Application Fee <input checked="" type="checkbox"/> Legal Description

For IPC Use Only

Release Number	Application Received	Check Number	Date Completed
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AFFIDAVIT OF LEGAL INTEREST

State of _____)

ss

County of _____)

I, _____, _____
 (Name) (Address)
 _____, _____
 (City) (State/Zip)

Being first duly sworn upon oath, depose and say:

(If Applicant is also Owner of Record, skip to B)

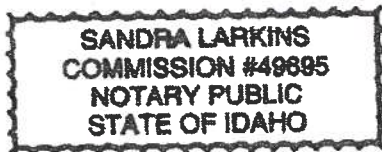
A. That I am the record owner of the property described on the attached, and I grant my permission to _____, ~~1833 Meadowlark Ln~~ to submit the accompanying application pertaining to that Property.
 (Name) (Address)

B. I agree to indemnify, defend and hold Idaho Power Company and its employees harmless from any claim or liability resulting from any dispute as to the statements contained herein or as to the ownership of the property which is the subject of the application.

Dated this 3rd day of February, 2023

x Phil [Signature]
 (Signature)

Subscribed and sworn to before me the day and year first above written.



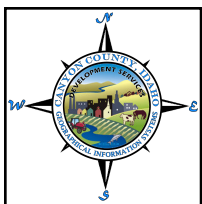
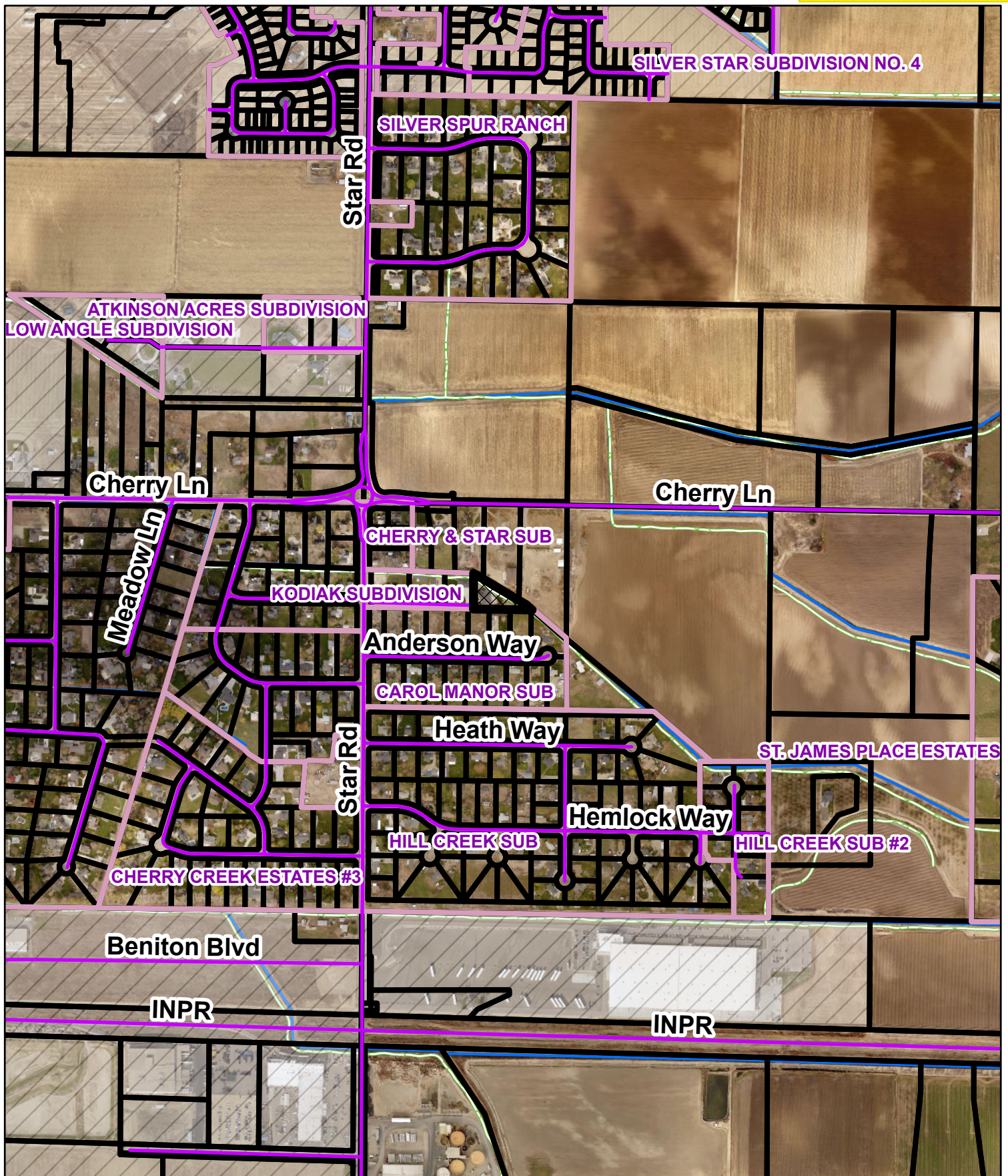
Sandra Larkins
 Notary Public for Idaho

Residing at: _____

My commission expires: _____

(NOTARY SEAL)

RESIDING IN BOISE, IDAHO
 COMMISSION EXPIRES 08/16/2025

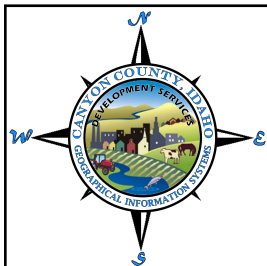
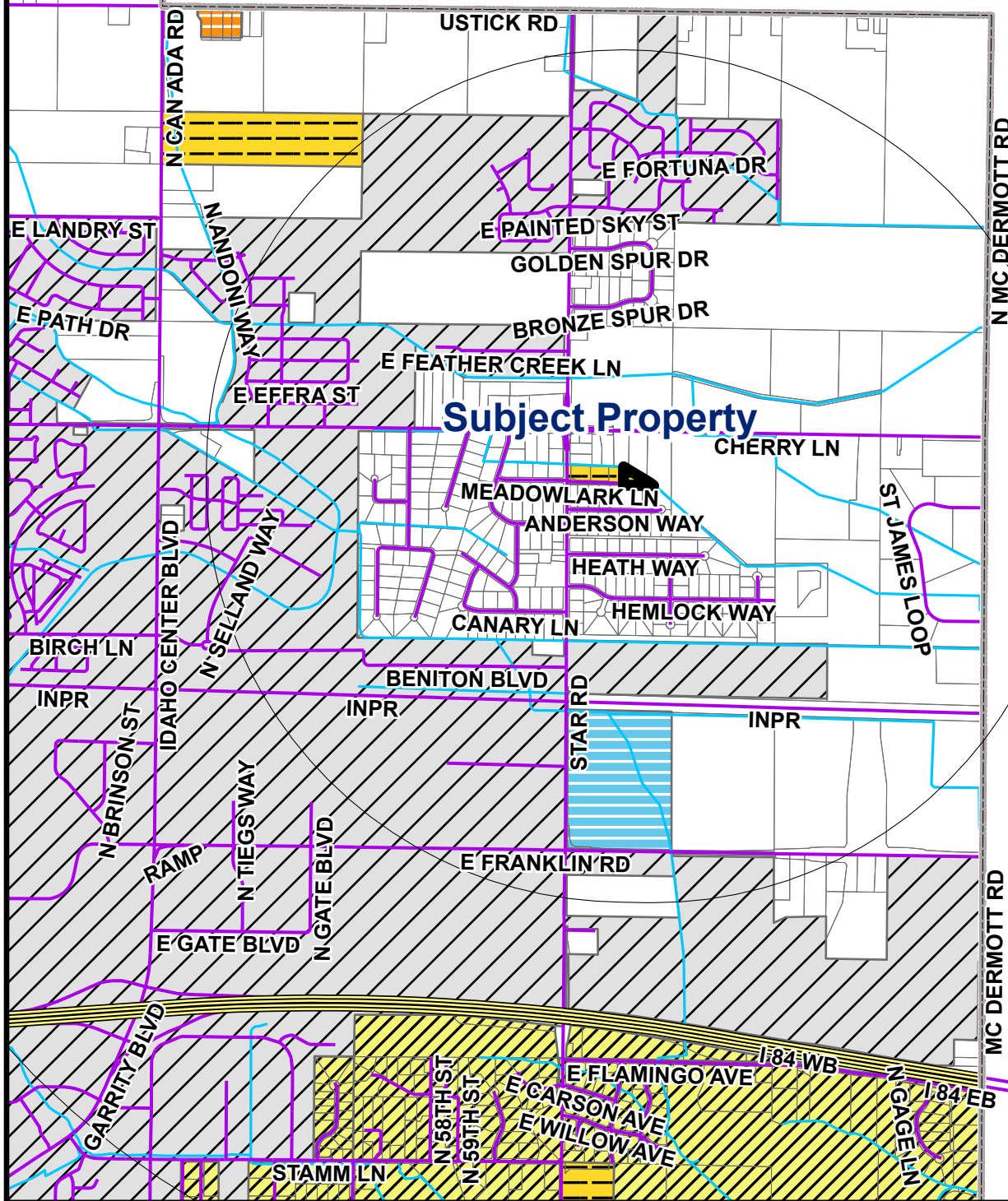


Legend

-  Wetlands
-  City_Limits

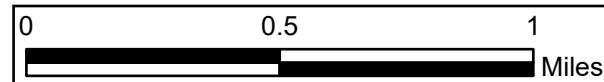


Horton Zoning & Classification Map

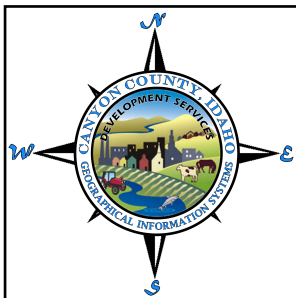
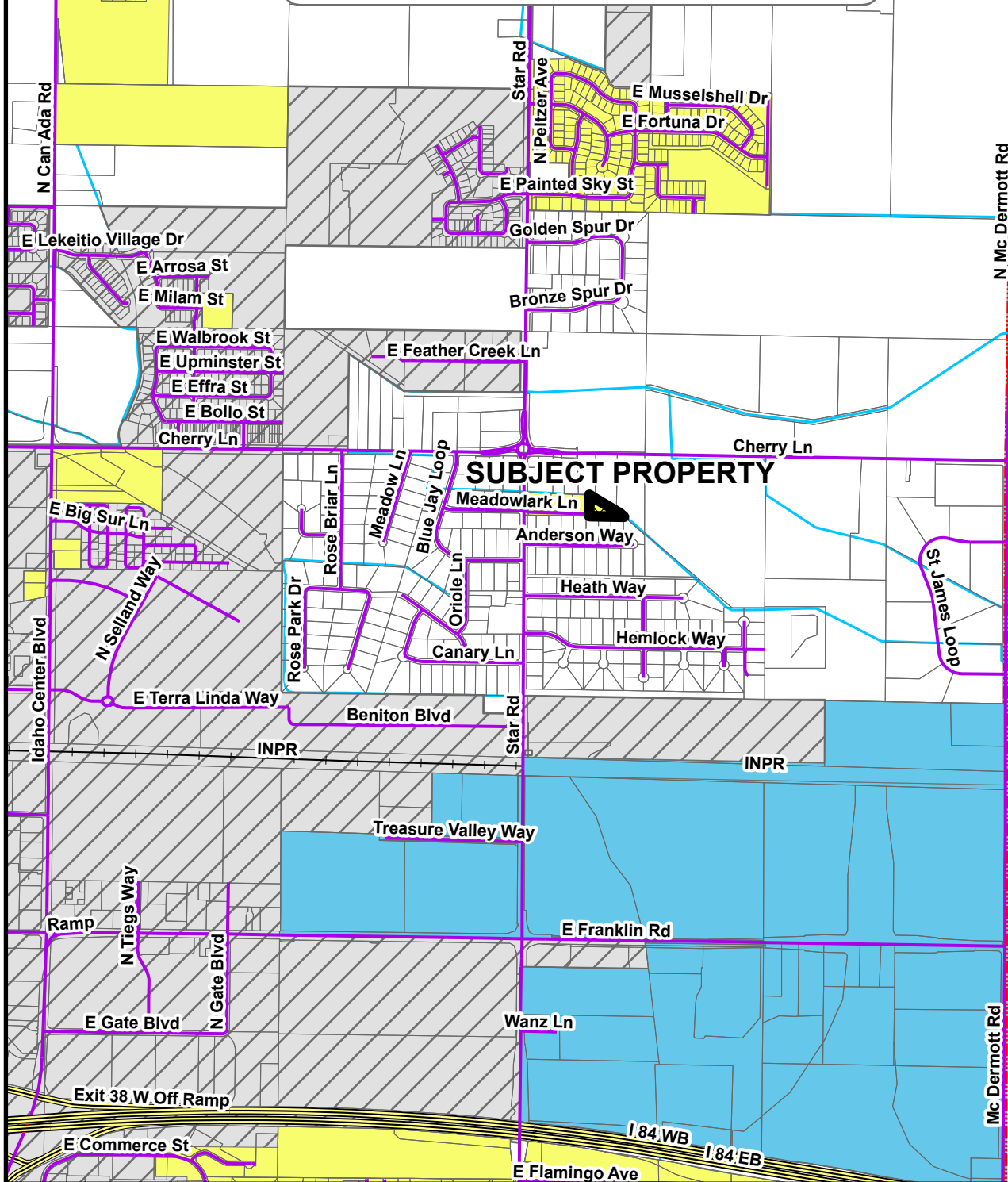


ZONING

	RR		R2		C2		M2
	CR-RR		C		CR-C2		AG
	R1		C1		M1		
	CR-R1		CR-C1		CR-M1		



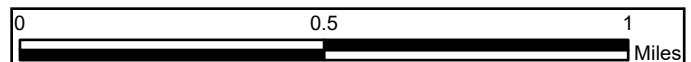
Horton Future Land Use map

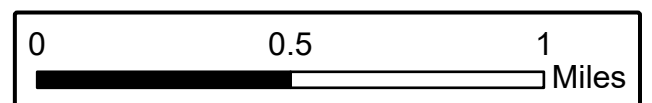
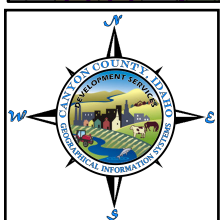


Legend

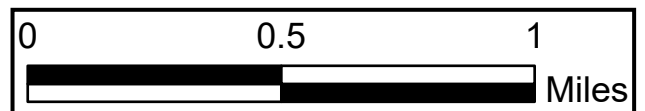
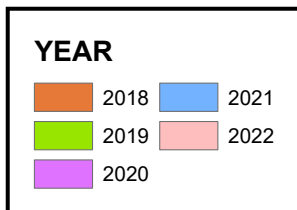
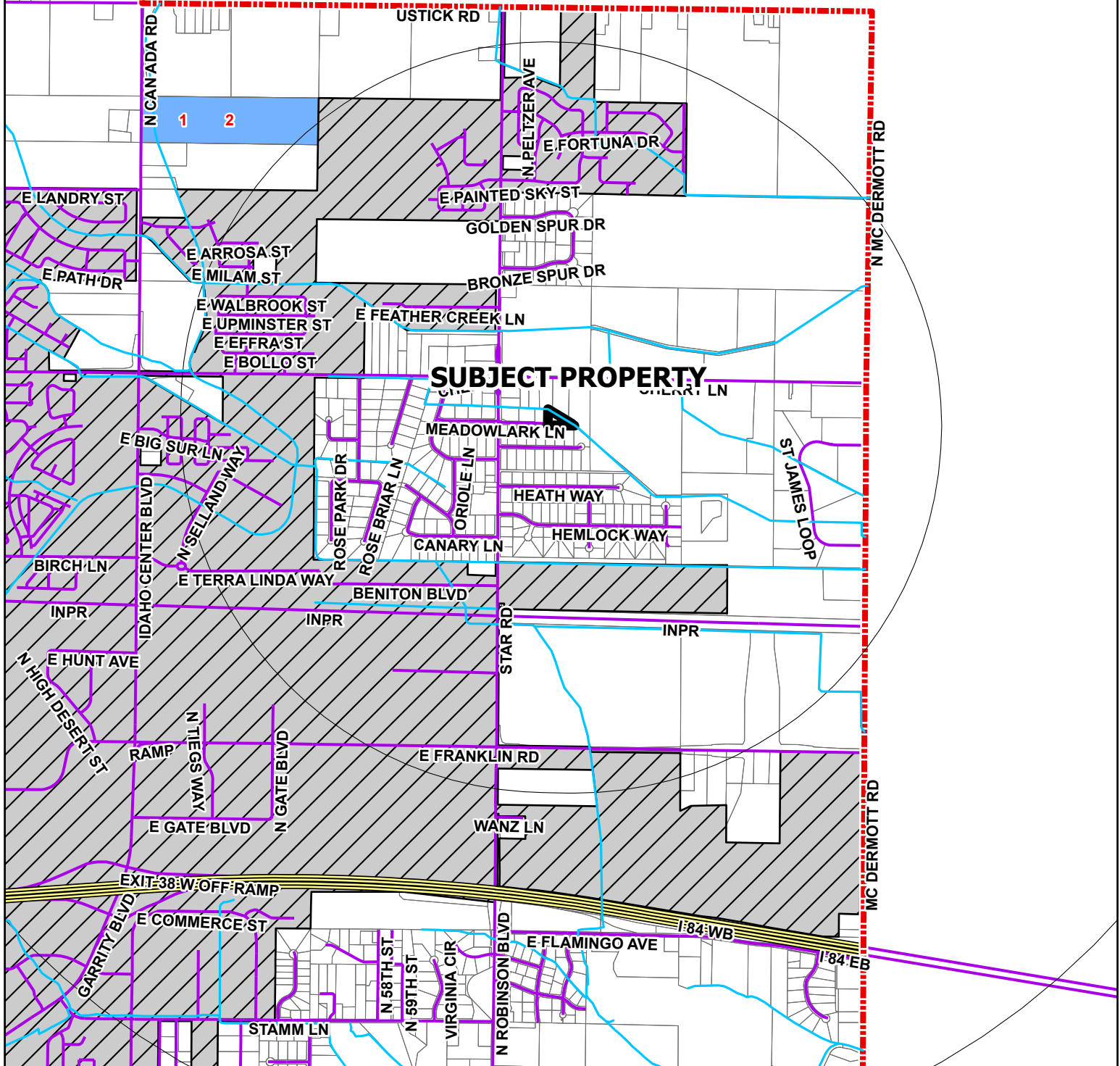
Future Land Use 2011_2022

- COMMERCIAL
- INDUSTRIAL
- RESIDENTIAL





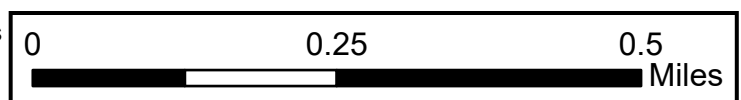
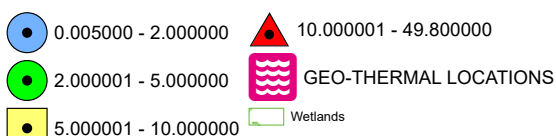
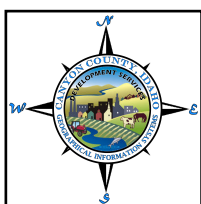
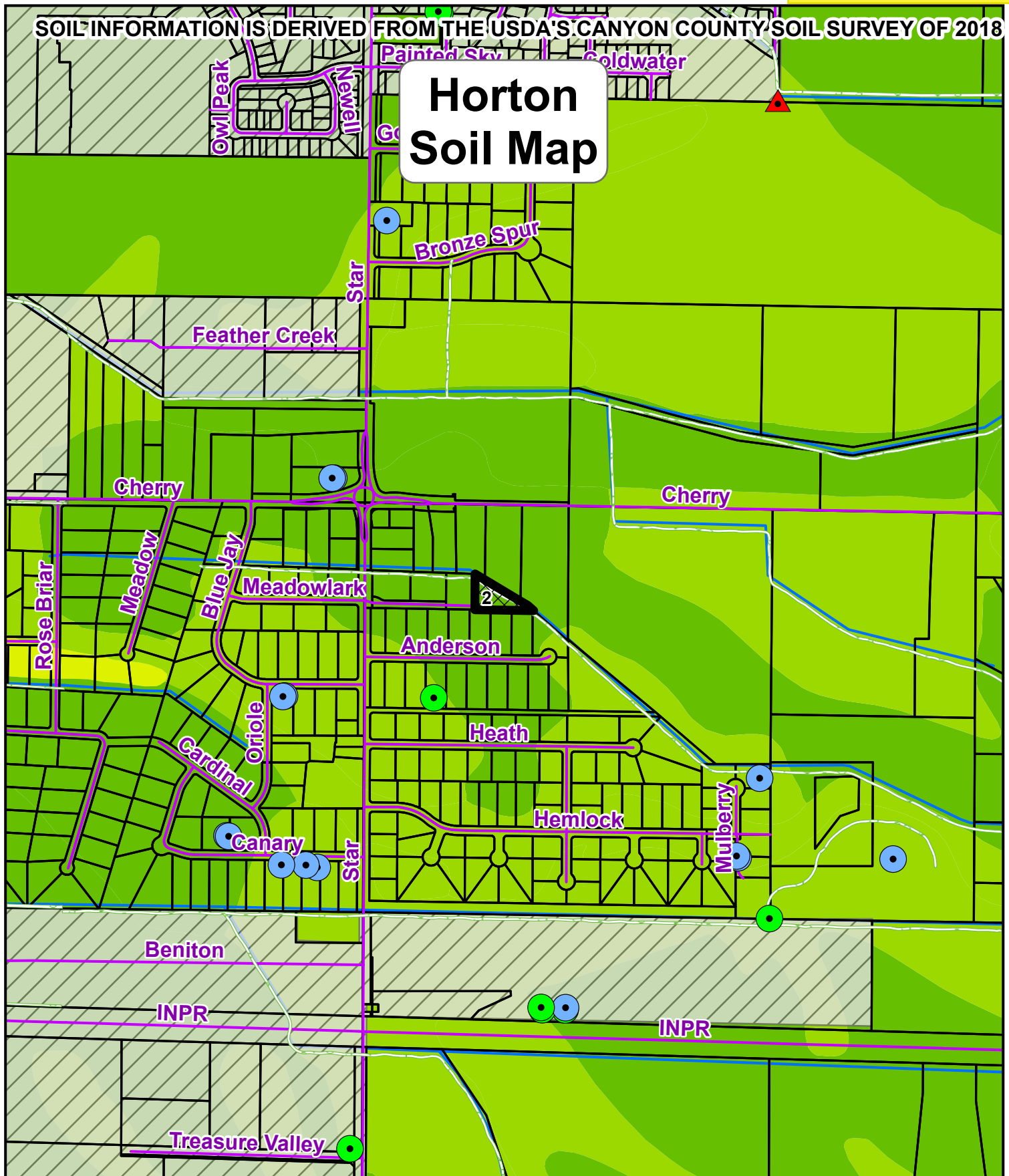
Horton Case Map



CASE SUMMARY				
ID	CASENUM	REQUEST	CASENAME	FINALDECIS
1	RZ2021-0032	Rezone AG to R1	LTD Stro, LLC	APPROVED
2	OR2021-0015	Comp Plan Map change AG to Res	LTD Stro, LLC	APPROVED

SOIL INFORMATION IS DERIVED FROM THE USDA'S CANYON COUNTY SOIL SURVEY OF 2018

Horton Soil Map



SOIL REPORT

SOIL CAPABILITY CLASS		SOIL CAPABILITY	SQUARE FOOTAGE		ACREAGE	PERCENTAGE
2		BEST SUITED SOIL	46260.72		1.06	100.00%
			46260.72		1.06	100%

FARMLAND REPORT

SOIL NAME	FARMLAND TYPE	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
PpA	Prime farmland if irrigated	46260.72	1.06	100.00%
		46260.72	1.06	100%

SOIL INFORMATION IS DERIVED FROM THE USDA's CANYON COUNTY SOIL SURVEY OF 2018

1445 N. Orchard St.
Boise ID 83706 • (208) 373-0550



Brad Little, Governor
Jess Byrne, Director

March 24, 2023

Sage Huggins, Planner
111 North 11th Ave.
Ste. 310
Caldwell, Idaho, 83605
Sage.huggins@canyoncounty.id.gov

Subject: VAC2023-0001: Horton, Plat Vacation Request

Dear Sage Huggins:

Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at:

<https://www.deq.idaho.gov/public-information/assistance-and-resources/outreach-and-education/>.

The following information does not cover every aspect of this project; however, we have the following general comments to use as appropriate:

1. AIR QUALITY

- Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), and odor control plans (58.01.01.776).

For questions, contact David Luft, Air Quality Manager, at (208) 373-0550.

- IDAPA 58.01.01.201 requires an owner or operator of a facility to obtain an air quality permit to construct prior to the commencement of construction or modification of any facility that will be a source of air pollution in quantities above established levels. DEQ asks that cities and counties require a proposed facility to contact DEQ for an applicability determination on their proposal to ensure they remain in compliance with the rules.

For questions, contact the DEQ Air Quality Permitting Hotline at 1-877-573-7648.

2. WASTEWATER AND RECYCLED WATER

- DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.

- IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.
- All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.
- DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect ground water.
- DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

3. DRINKING WATER

- DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.
- All projects for construction or modification of public drinking water systems require preconstruction approval.
- DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at: <https://www.deq.idaho.gov/water-quality/drinking-water/>). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.
- If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.
- DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of ground water resources.
- DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

4. SURFACE WATER

- Please contact DEQ to determine whether this project will require an Idaho Pollutant Discharge Elimination System (IPDES) Permit. A Construction General Permit from DEQ may be required if this project will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale that will ultimately disturb one or more acres of land.
- For questions, contact James Craft, IPDES Compliance Supervisor, at (208) 373-0144.
- If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.
- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call (208) 334-2190 for more information. Information is also available on the IDWR website at:
<https://idwr.idaho.gov/streams/stream-channel-alteration-permits.html>
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.

For questions, contact Lance Holloway, Surface Water Manager, at (208) 373-0550.

5. SOLID WASTE, HAZARDOUS WASTE AND GROUND WATER CONTAMINATION

- **Solid Waste.** No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards (IDAPA 58.01.06), Rules and Regulations for Hazardous Waste (IDAPA 58.01.05), and Rules and Regulations for the Prevention of Air Pollution (IDAPA 58.01.01). Inert and other approved materials are also defined in the Solid Waste Management Regulations and Standards
- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.

- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852). Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.
- **Ground Water Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."

For questions, contact Rebecca Blankenau, Waste & Remediation Manager, at (208) 373-0550.

6. ADDITIONAL NOTES

- If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at (208) 373-0550, or visit the DEQ website <https://www.deq.idaho.gov/waste-management-and-remediation/storage-tanks/leaking-underground-storage-tanks-in-idaho/> for assistance.
- If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.

We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any of our technical staff at (208) 373-0550.

Sincerely,



Aaron Scheff
Regional Administrator

c:

2021AEK

Sage Huggins

From: Eddy Thiel <eddy@nampahighway1.com>
Sent: Wednesday, March 1, 2023 11:33 AM
To: Sage Huggins
Subject: [External] FW: Agency Notice Horton / VAC2023-0001
Attachments: VAC2023-0001 Horton.pdf

Good Morning Sage,

Nampa Highway District #1 has no comment as the Utility and Irrigation easement is not the Highway District's jurisdiction.

Thank you,

Eddy

Eddy Thiel
 ROW
eddy@nampahighway1.com
 4507 12th Ave. Rd. • Nampa, id 83686
 TEL 208.467.6576 • FAX 208.467.9916

From: Bonnie Puleo <Bonnie.Puleo@canyoncounty.id.gov>
Sent: Wednesday, March 1, 2023 11:27 AM
To: 'horner.marci@westada.org' <horner.marci@westada.org>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; Jack Nygaard <jack.nygarrrd@phd3.idaho.gov>; Nampa Rural Fire District <johnsonrl@nampafire.org>; Rob Johnson Nampa Fire <johnsonre@nampafire.org>; Eddy Thiel <eddy@nampahighway1.com>; Idaho Power <easements@idahopower.com>; Megan Kelly <mkelly@idahopower.com>; 'JESSICA.MANSELL@INTGAS.COM' <JESSICA.MANSELL@INTGAS.COM>; 'MONICA.TAYLOR@INTGAS.COM' <MONICA.TAYLOR@INTGAS.COM>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'shayne.watterud@ziply.com' <shayne.watterud@ziply.com>; Boise Project Board of Control <tritthaler@boiseproject.org>; GAshley <gashley@boiseproject.org>; 'jlucas@achdidaho.org' <jlucas@achdidaho.org>; 'clittle@achdidaho.org' <clittle@achdidaho.org>; 'd3development.services@itd.idaho.gov' <d3development.services@itd.idaho.gov>; Niki Benyakhlef <niki.benyakhlef@itd.idaho.gov>; 'webmaster@valleyregionaltransit.org' <webmaster@valleyregionaltransit.org>; COMPASS <gis@compassidaho.org>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; 'mstowell@ccparamedics.com' <mstowell@ccparamedics.com>; 'BRO.Admin@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>; 'cdillon@usbr.gov' <cdillon@usbr.gov>
Subject: Agency Notice Horton / VAC2023-0001

Good morning:

Please see the attached agency notice. The hearing date is "To be Determined", however the due date for comments is 3/30/2023.

Please direct your comments or questions to Planner Sage Huggins at sage.huggins@canyoncounty.id.gov

Thank you,



Bonnie Puleo
Hearing Specialist

Canyon County Development Services

111 No 11th Ave. Suite 310

Caldwell, ID 83605

bonnie.puleo@canyoncounty.id.gov

(208) 454-6631 *direct*

NEW public office hours **effective January 3, 2023**

Monday, Tuesday, Thursday and Friday

8 am – 5 pm

Wednesday

1 pm – 5 pm

****We will not be closed during lunch hour****

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Sage Huggins

From: Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>
Sent: Friday, March 3, 2023 2:55 PM
To: Sage Huggins
Cc: Bonnie Puleo
Subject: [External] RE: Agency Notice Horton / VAC2023-0001

Good Afternoon,

After careful review of the transmittal submitted to ITD on March 1, 2023 regarding Horton / VAC2023-0001, the Department has no comments or concerns to make at this time. The vacation of the easements does not impact the state highway system.

Thank you,



Niki Benyakhlef
Development Services Coordinator

District 3 Development Services

O: 208.334.8337 | C: 208.296.9750

Email: niki.benyakhlef@itd.idaho.gov

Website: itd.idaho.gov

From: Bonnie Puleo <Bonnie.Puleo@canyoncounty.id.gov>
Sent: Wednesday, March 1, 2023 11:27 AM
To: 'horner.marci@westada.org' <horner.marci@westada.org>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; Jack Nygaard <jack.nygarrd@phd3.idaho.gov>; Nampa Rural Fire District <johnsonrl@nampafire.org>; Rob Johnson Nampa Fire <johnsonre@nampafire.org>; 'eddy@nampahighway1.com' <eddy@nampahighway1.com>; Idaho Power <easements@idahopower.com>; Megan Kelly <mkelly@idahopower.com>; 'JESSICA.MANSELL@INTGAS.COM' <JESSICA.MANSELL@INTGAS.COM>; 'MONICA.TAYLOR@INTGAS.COM' <MONICA.TAYLOR@INTGAS.COM>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'shayne.watterud@ziply.com' <shayne.watterud@ziply.com>; Boise Project Board of Control <tritthaler@boiseproject.org>; GAshley <gashley@boiseproject.org>; 'jlucas@achdidaho.org' <jlucas@achdidaho.org>; 'clittle@achdidaho.org' <clittle@achdidaho.org>; D3 Development Services <D3Development.Services@itd.idaho.gov>; Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>; 'webmaster@valleyregionaltransit.org' <webmaster@valleyregionaltransit.org>; COMPASS <gis@compassidaho.org>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; 'mstowell@ccparamedics.com' <mstowell@ccparamedics.com>; 'BRO.Admin@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>; 'cdillon@usbr.gov' <cdillon@usbr.gov>
Subject: Agency Notice Horton / VAC2023-0001

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Good morning:

Please see the attached agency notice. The hearing date is "To be Determined", however the due date for comments is 3/30/2023.

Please direct your comments or questions to Planner Sage Huggins at sage.huggins@canyoncounty.id.gov

Thank you,



Bonnie Puleo

Hearing Specialist

Canyon County Development Services

111 No 11th Ave. Suite 310

Caldwell, ID 83605

bonnie.puleo@canyoncounty.id.gov

(208) 454-6631 *direct*

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Sage Huggins

From: Caleb Laclair <laclairc@cityofnampa.us>
Sent: Thursday, March 2, 2023 3:46 PM
To: Bonnie Puleo; Kristi Watkins; Daniel Badger; Addressing; Doug Critchfield; Nathan Haveman; Char Tim; Sage Huggins
Subject: [External] RE: [External]Legal Notice Horton / VAC2023-0001

Hello Bonnie and Sage,

Our City Engineer came by just now and told me he had already talked with the applicant about this and had no concern with their request. Please rescind my previous comment and note that Nampa Engineering Division has no concern with the request.

Best,

Caleb LaClair, P.E.

Assistant City Engineer, Engineering

O: 208.468.5422, C: 208.250.2679

From: Caleb Laclair
Sent: Wednesday, March 1, 2023 1:28 PM
To: Bonnie Puleo <Bonnie.Puleo@canyoncounty.id.gov>; Kristi Watkins <watkinsk@cityofnampa.us>; Daniel Badger <BadgerD@cityofnampa.us>; Addressing <Addressing@cityofnampa.us>; Doug Critchfield <critchfielddd@cityofnampa.us>; Nathan Haveman <havemann@cityofnampa.us>; Char Tim <timc@cityofnampa.us>
Subject: RE: [External]Legal Notice Horton / VAC2023-0001

Nampa Engineering Division does not recommend a full vacation of the easements. We recommend a minimum 5' wide easement remain to align with typical residential easement requirements for Nampa City platting policy and standards.

Best,

Caleb LaClair, P.E.

Assistant City Engineer, Engineering

O: 208.468.5422, C: 208.250.2679

From: Bonnie Puleo <Bonnie.Puleo@canyoncounty.id.gov>
Sent: Wednesday, March 1, 2023 11:17 AM
To: Caleb Laclair <laclairc@cityofnampa.us>; Kristi Watkins <watkinsk@cityofnampa.us>; Daniel Badger <BadgerD@cityofnampa.us>; Addressing <Addressing@cityofnampa.us>; Doug Critchfield <critchfielddd@cityofnampa.us>; Nathan Haveman <havemann@cityofnampa.us>; Char Tim <timc@cityofnampa.us>
Subject: [External]Legal Notice Horton / VAC2023-0001

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Dear Agency;

You are hereby notified, pursuant to the Joint Exercise of Power Agreement between the City of Nampa and Canyon County, that the Development Services Department has accepted the following application: **VAC2023-0001**. Attached for your review is a copy of the letter of intent and a site plan. If you would like additional information please contact Planner Sage Huggins at sage.huggins@canyoncounty.id.gov.

Thank you,



Bonnie Puleo
Hearing Specialist

Canyon County Development Services

111 No 11th Ave. Suite 310

Caldwell, ID 83605

bonnie.puleo@canyoncounty.id.gov

(208) 454-6631 *direct*

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March 2, 2023

Sent via email to glenda.horton3333@gmail.com

Philip E. Horton and Glenda L. Horton
4832 Meadowlark Rd.
Nampa, ID 83687

Re: Easement Release

Dear Philip E. Horton and Glenda L. Horton:

Upon review of the attached letter, Idaho Power records indicate no company facilities are located within that certain area identified as the northerly and southerly easement area proposed for vacation. Therefore, Idaho Power has no objection to the proposed vacation of area described and attached hereto.

Thank you for providing Idaho Power Company the opportunity to review and comment upon the subject petition for vacation.

Sincerely,

A handwritten signature in dark ink, appearing to read "M. Churella", written over a light blue horizontal line.

Michael Churella
Corporate Real Estate Leader
Idaho Power Company / Corporate Real Estate
Land Management and Permitting Department
208-388-2690
Mchurella@idahopower.com

KODIAK SUBDIVISION

A PART OF THE NW 1/4 NW 1/4, SECTION 8, T. 3 N., R. 1 W., B.M.,
CANYON COUNTY, IDAHO
2017

APPROVAL OF MAPA, HIGHWAY DISTRICT NO. 1
KODIAK HIGHWAY DISTRICT NO. 1 HEREBY ACCEPTS THIS PLAT AND THE
DEPENDING PARCELS SHOWN HEREON AND ACCEPTS THEM AS A PART OF THE
KODIAK HIGHWAY DISTRICT NO. 1. THE DISTRICT OFFICER HAS REVIEWED
THE PLAT AND THE DEPENDING PARCELS SHOWN HEREON AND HAS
DETERMINED THAT THE PLAT AND THE DEPENDING PARCELS SHOWN
HEREON COMPLY WITH THE REQUIREMENTS OF THE KODIAK HIGHWAY
DISTRICT NO. 1. THE DISTRICT OFFICER HAS REVIEWED THE PLAT
AND THE DEPENDING PARCELS SHOWN HEREON AND HAS DETERMINED
THAT THE PLAT AND THE DEPENDING PARCELS SHOWN HEREON
COMPLY WITH THE REQUIREMENTS OF THE KODIAK HIGHWAY DISTRICT
NO. 1. THE DISTRICT OFFICER HAS REVIEWED THE PLAT AND THE
DEPENDING PARCELS SHOWN HEREON AND HAS DETERMINED THAT THE
PLAT AND THE DEPENDING PARCELS SHOWN HEREON COMPLY WITH THE
REQUIREMENTS OF THE KODIAK HIGHWAY DISTRICT NO. 1.

DATE 10-10-17
DISTRICT CLERK

Scale 1"=60'

LEGEND

- Survey point
- Found station cap monument
- Found brass cap monument
- Found iron cap monument
- Found 5/8" inch dia. iron pin
- Found 1/2" inch dia. iron pin
- Found 1/4" inch dia. iron pin
- Found 3/16" inch dia. iron pin
- Found 1/8" inch dia. iron pin
- Found 1/16" inch dia. iron pin
- Found 1/32" inch dia. iron pin
- Found 1/64" inch dia. iron pin
- Found 1/128" inch dia. iron pin
- Found 1/256" inch dia. iron pin
- Found 1/512" inch dia. iron pin
- Found 1/1024" inch dia. iron pin
- Found 1/2048" inch dia. iron pin
- Found 1/4096" inch dia. iron pin
- Found 1/8192" inch dia. iron pin
- Found 1/16384" inch dia. iron pin
- Found 1/32768" inch dia. iron pin
- Found 1/65536" inch dia. iron pin
- Found 1/131072" inch dia. iron pin
- Found 1/262144" inch dia. iron pin
- Found 1/524288" inch dia. iron pin
- Found 1/1048576" inch dia. iron pin
- Found 1/2097152" inch dia. iron pin
- Found 1/4194304" inch dia. iron pin
- Found 1/8388608" inch dia. iron pin
- Found 1/16777216" inch dia. iron pin
- Found 1/33554432" inch dia. iron pin
- Found 1/67108864" inch dia. iron pin
- Found 1/134217728" inch dia. iron pin
- Found 1/268435456" inch dia. iron pin
- Found 1/536870912" inch dia. iron pin
- Found 1/1073741824" inch dia. iron pin
- Found 1/2147483648" inch dia. iron pin
- Found 1/4294967296" inch dia. iron pin
- Found 1/8589934592" inch dia. iron pin
- Found 1/17179869184" inch dia. iron pin
- Found 1/34359738368" inch dia. iron pin
- Found 1/68719476736" inch dia. iron pin
- Found 1/137438953472" inch dia. iron pin
- Found 1/274877907344" inch dia. iron pin
- Found 1/549755814688" inch dia. iron pin
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- Found 1/288230376603142144" inch dia. iron pin
- Found 1/576460753206284288" inch dia. iron pin
- Found 1/1152921506412568576" inch dia. iron pin
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Professional Engineers, Land Surveyors and Planners

924 3rd St. So. Nampa, ID 83651

Ph (208) 454-0256

e-mail: dholtzhey@masonandassociates.us

FOR: Phil Horton
 JOB NO.: DE0722
 DATE: July 10, 2023

DESCRIPTION OF LOT 4 BLOCK 1 KODIAK SUBDIVISION

All of Lot 4 Block 1 of Kodiak Subdivision vacating the 12.00 -foot utility easement along the northerly and south boundaries recorded in Book 46 at Page 26 in the Canyon County Recorder's Office being a portion of the NW1/4 NW1/4 of Section 8, Township 3 North, Range 1 West, Boise Meridian, Canyon County Idaho, more particularly described as follows:

Commencing at the northwest corner of the NW1/4 NW1/4;

Thence S 00°14' 20" E a distance of 683.76 feet along the west boundary of the NW1/4 NW1/4 to the southwest corner of Kodiak Subdivision;

Thence S 89°32' 17" E a distance of 717.24 feet along the southerly boundary of Kodiak Subdivision to the southwest corner of said Lot 4 and the **Point of Beginning**;

Thence N 00°14' 20" W a distance of 232.50 feet to the northwest corner of said Lot 4;

Thence along the northerly boundary of said Lot 4 the following courses and distances;

Thence S 59°36' 40" E a distance of 397.55 feet;

Thence S 49°16' 00" E a distance of 52.83 feet to the southeast corner of said Lot 4;

Thence N 89°32' 17" W a distance of 382.01 feet along the southerly boundary said Lot 4 to the **Point of Beginning**.

This parcel contains 1.06 acres more or less.



Vacating the northerly and south 12.00-foot utility easement in Lot 4 Block 1 of Kodiak Subdivision as follows;

Thence S 00°14' 20" E a distance of 683.76 feet along the west boundary of the NW1/4 NW1/4 to the southwest corner of Kodiak Subdivision;

Thence S 89°32' 17" E a distance of 722.24 feet along the southerly boundary of Kodiak Subdivision to the **Point of Beginning** of said easement;

Thence N 00°14' 20" W a distance of 12.00 feet;

Thence S 89°32' 17" E a distance of 311.18 feet;

Thence N 59°36' 40" W a distance of 307.44 feet to the beginning of a curve;

Thence a distance of 51.60 feet along the arc of said curve left, having a radius of 274.69 feet, a central angle of 10° 45' 50", the long chord of which bears N 64° 59' 35" W., a distance of 51.53;

Thence N 00°14' 20" W a distance of 12.72 feet to the beginning of a non-tangent curve;

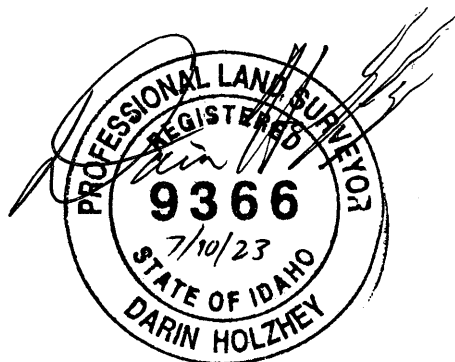
Thence a distance of 58.18 feet along the arc of said curve right, having a radius of 286.69 feet, a central angle of 11° 37' 40", the long chord of which bears S 65° 25' 31" E., a distance of 58.08;

Thence S 59°36' 40" E a distance of 316.82 feet;

Thence S 49°16' 00" E a distance of 27.41 feet;

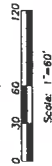
Thence N 89°32' 17" W a distance of 346.07 feet to the **Point of Beginning** of said easement.

SUBJECT TO: All existing rights of way and easements of record or implied appearing on the above-described parcel of land.



*Mason &
Associates Inc.*

VACATING THE NORTHERLY AND SOUTH 12.00 FOOT UTILITY EASEMENTS OF
LOT 4, BLOCK 1 OF KODIAK SUBDIVISION, BOOK 46 PAGE 26,
A PART OF THE NW 1/4 NW 1/4, SECTION 8, T. 3 N., R. 1 W., B.M.,
CANYON COUNTY, IDAHO
2023

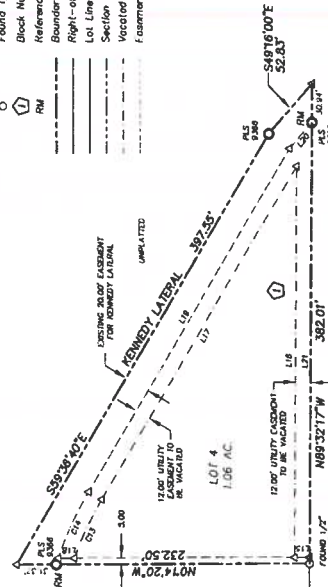


LEGEND

- | | | |
|--------------|--|--|
| △ | Concluded Point | |
| ⊗ | Found Aluminum Cap Monument | |
| ⊙ | Set 5/8" inch dia. x 50 inch iron pin | |
| ● | W/plastic cap PLS 9366 | |
| ● | Found 3/8" inch dia. iron pin | |
| ○ | Set 1/2" inch dia. x 24 inch iron pin | |
| ○ | W/plastic cap PLS 9366 | |
| ○ | Found 1/2" inch dia. iron pin PLS 9366 | |
| Block Number | Reference Monument | |
| RM | Boundary Line | |
| --- | Right-of-Way Line | |
| --- | Lot Line | |
| --- | Section Line | |
| --- | Vacated Easement Line | |
| --- | Easement Line | |

Line #	Length	Direction
115	12.00	N074°20'W
116	311.18	S89°32'17"E
117	307.44	N59°26'40"W
118	12.73	N074°20'W
119	318.82	S59°36'40"E
120	27.41	S49°16'00"E

Curve #	Length	Radius	Delta	Chord Direction	Chord Length	Tangent
C13	51.60	274.68	10°45'50"	N68°30'33"W	51.33	25.68
C14	68.18	786.68	11°12'40"	N48°24'11"E	58.08	29.18



NARRATIVE
THIS SURVEY WAS DONE FOR PHIL
HORTON TO VACATE THE
NORTHERLY AND SOUTH 12.00
FOOT UTILITY EASEMENTS AS
SHOWN

RECORD DATA
KODIAK SUBDIVISION BOOK 46 PAGE 26

PHIL HORTON

INDEX NO. 314-08-04-04-00-0
SURVEY FOR:

Mason & Associates

Professional Engineers,
Land Surveyors
& Planners

2212 S. 3rd Ave. #100
Tulsa, OK 74106
Tel: 459-2525

JOB NO.	DE0772	REV.	△
DWG NO.	DE0772R09	SCALE	1"=60'
		FIELD BOOK NO.	
		DATE	
CHECKED BY	DATE		
DATE	7/1/02		